FEDERAL REGISTER

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PART I

THE UNIVERSITY OF MICHIGAN
JAN 4 1968
MAIN READING ROOM

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Army Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commerce Department
Comptroller of the Currency
Consumer and Marketing Service
Employment Security Bureau
Federal Aviation Administration
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
National Bureau of Standards
Packers and Stockyards Administration
Securities and Exchange Commission
Small Business Administration
Transportation Department

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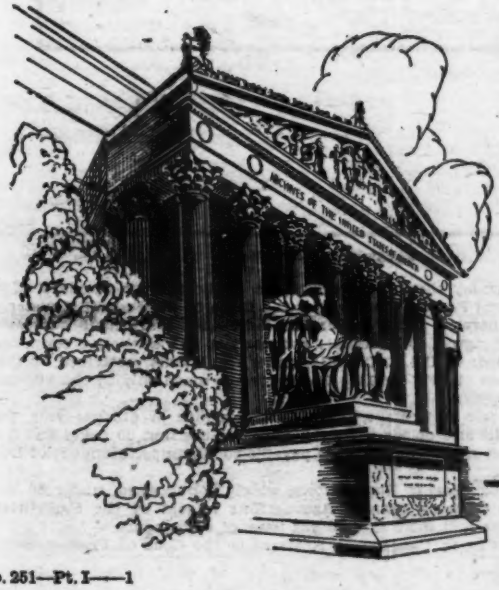

Announcing First 10-Year Cumulation

TABLES OF LAWS AFFECTED

in Volumes 70–79 of the

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PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Custodial Accounts for Trust Funds

On June 24, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 9025) concerning amendments to § 201.42 of the regulations (9 CFR 201.42) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). Interested persons were given an opportunity to submit written data, views, and arguments with respect to the proposed amendments. After consideration of all relevant matters submitted by interested persons, § 201.42, Part 201, Chapter II, Title 9 of the Code of Federal Regulations is hereby amended to read as follows:

§ 201.42 Custodial accounts for trust funds.

(a) *Payments for livestock or poultry purchases are trust funds.* Each payment made by a livestock or poultry buyer to a market agency or licensee is a trust fund until such market agency's or licensee's custodial account has been paid in full in connection with such purchase and funds deposited in custodial accounts are also trust funds. This is the case under either the net proceeds or gross proceeds method of maintaining the custodial account referred to in paragraph (c) of this section.

(b) *Market agencies and licensees required to establish and maintain custodial accounts.* Every market agency and licensee engaged in selling livestock or live poultry on a commission or agency basis shall establish and maintain a separate bank account designated as "Custodial Account for Shippers' Proceeds," or by some similar identifying designation, under terms and conditions with the bank where established, to disclose that the depositor is acting as a fiduciary with respect thereto and that the funds in the account are trust funds.

(c) *Deposits in Custodial Accounts.* Before the close of the next banking business day after consigned livestock or live poultry is sold, the market agency or licensee shall deposit in its custodial account the proceeds from the sale of consigned livestock or live poultry that are collected or received on the day of sale, and an amount equal to the proceeds receivable from the sale of consigned livestock or live poultry that are due from (1) the market agency or licensee; (2) any owner, officer, or employee of the market agency or licensee; or (3) any buyer to whom the market agency has extended credit. On or before the third day following the sale of consigned livestock or live poultry (or the next banking business day after the third day if such third day is a nonbanking business day), the market agency or licensee shall deposit in the custodial account an amount equal to all the proceeds receivable from the sale of consigned livestock or live poultry, whether or not such proceeds have been collected or received by the market agency or licensee. In lieu of the foregoing, any market agency or licensee may adopt, and thereafter continuously follow, a "net method" for making deposits in its custodial account. Under the "net method" the market agency or licensee shall, before the close of the next banking business day after livestock or live poultry is sold, deposit an amount equivalent to the proceeds of the sale of consigned livestock or live poultry less marketing charges due the market agency or licensee.

(d) *Withdrawals from custodial accounts.* The custodial account referred to in paragraph (b) of this section shall be drawn on only for payment of the net proceeds to the consignor or shipper, or such other person or persons who the market agency or licensee has knowledge is entitled thereto, to pay all legal charges against the consignment of livestock or live poultry which the market agency or licensee may, in its capacity as agent, be required to pay for and on behalf of the consignor or shipper, and when the account is not kept on a net proceeds basis, to obtain therefrom the sums due the market agency or licensee as compensation for its services.

(e) *Custodial accounts for buyers' funds.* If the Secretary finds that any market agency or licensee has used for purposes of its own any funds received for the purchase of livestock or live poultry on a commission or agency basis, or any other funds which have come into its possession in its capacity as agent of the buyer, such market agency or licensee shall thereafter deposit any such funds in a separate bank account designated as "Custodial Account for Buyers' Funds," or by a similar identifying designation, which account shall be set up under terms and conditions with the bank where established, to disclose that the depositor is acting as a fiduciary with respect thereto and that the funds in the account are trust funds. Such accounts shall be drawn on only for payment of the purchase price of livestock or live poultry purchased on behalf of a principal and to obtain therefrom the sums due the market agency or licensee as compensation for its services, and for such sums as are necessary to pay all legal charges incurred in connection with the purchase of livestock or live poultry which the market agency or licensee may in its capacity as agent, be required to pay for and on behalf of its principal.

(f) *Accounts and records.* Every market agency and licensee shall keep such accounts and records as will at all times disclose the handling of the funds in the custodial account referred to in paragraphs (b) and (e) of this section, including without limitation, such accounts and records as will at all times disclose the names of the consignors and the amount due and payable to each from funds in the Custodial Account for Shippers' Proceeds, and the names of the principals, from whom funds have been received in the capacity of buyer for such principals, the amount of funds received from such principals, and the amount paid on behalf of such principals from funds in the Custodial Account for Buyers' Funds.

(g) *Insured banks.* The separate custodial accounts referred to in paragraphs (b) and (e) of this section shall be established and maintained in banks whose deposits are insured by the Federal Deposit Insurance Corporation.

(h) *Certificates of deposit.* Any market agency or licensee which has established and maintains the separate custodial account referred to in paragraph (b) of this section may invest, in certificates of deposit issued by the bank in which such account is kept, such portion of the custodial funds as will not impair the market agency's or licensee's ability to meet its obligations to its consignors. Such certificates of deposit shall be made payable to the market agency or licensee in its fiduciary capacity as trustee of the custodial funds.

The purposes of the amendments are to provide an alternative "net" method for the handling and maintaining of the custodial account and to make explicit the duties of the market agency and licensee with respect to depositing funds in the custodial account whether or not they elect the "net" proceeds method. The amendments should be made effective promptly in order to be of maximum benefit to persons desiring to use the "net" method and in order to fully accomplish their purposes in the public interest. Good cause is found, therefore, for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

A minor change has been made in § 201.42(c)(3) from the provisions set forth in the notice of rule making. This change is for clarification of the provision and is not substantive in nature. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further public rule making is unnecessary.

The amendments shall become effective on January 1, 1968.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a); interprets or applies secs. 307, 312, 42 Stat. 161 et seq., 7 U.S.C. 208, 213; 29 F.R. 16210 and 32 F.R. 7186)

Done at Washington, D.C., this 22d day of December 1967.

DONALD A. CAMPBELL,
Acting Administrator, Packers and Stockyards Administration.

[F.R. Doc. 67-15104; Filed, Dec. 28, 1967; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

SUBCHAPTER B—CIVIL SERVICE REGULATIONS

PART 213—EXCEPTED SERVICE

Part 213 is revised to read as follows:

Subpart A—General Provisions

Sec.
213.101 Definitions.
213.102 Identification of positions in Schedule A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

SCHEDULE A

213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.
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213.3106 Department of Defense.
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AUTHORITY: The provisions of this Part 213 issued under 5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR, 1954–58 Comp.

Subpart A—General Provisions

§ 213.101 Definitions.

In this chapter:

(a) Excepted service has the meaning given that term by section 2103 of title 5, United States Code, and includes all positions in the executive branch of the Federal Government which are specifically excepted from the competitive service by or pursuant to statute, by the President, or by the Commission under section 6.1 or 9.20 of the civil service rules (Subchapter A of this chapter).

(b) "Excepted position" means a position in the excepted service.

§ 213.102 Identification of positions in Schedule A, B, or C.

The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

SCHEDULE A

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

(a) The positions enumerated in §§ 213.3102 to 213.3199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for part-time, seasonal, intermittent, or other temporary employment within the United States, between May 14, 1967, and September 2, 1967; except that this prohibition shall not apply to the appointment of persons who are eligible for placement assistance under the Commission's Displaced Employee (DE) Program.

(c) An agency may appoint for part-time, seasonal, intermittent, or other temporary employment within the United States, between May 14, 1967, and September 2, 1967, in positions listed in Schedule A only in accordance with the terms of the Commission's 1967 summer employment program. This restriction does not apply to positions which are excepted only when filled by particular type of individuals.

§ 213.3102 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations such as hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment which was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of GS–3. This limitation on compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority shall not be for job employment. In the metropolitan area of Washington, D.C., appointments under this authority shall be subject to the prior approval of the Commission.

(h) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of the Commission, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., position excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurrring nature are not authorized under this paragraph.

(j) [Reserved]

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of the Commission where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (l) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(o) Positions of a scientific, professional or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(q) Temporary or intermittent positions at GS–7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed; or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision (i) in a position of a routine clerical type; or (ii) in excess of 1,040 working hours a year; except that the 1,040-working-hours-a-year limitation shall not apply to persons employed under this provision in positions at GS–5 and below which are established in connection with an organized work-study program involving alternating periods of work experience and related study at an accredited college or university in a cooperative curriculum in which the work experience is a prerequisite to the award of a degree. Appointments under this authority may be made only to positions for which qualification standards established under part 302 of this chapter are consistent with the education and experience standards established for comparable positions in the competitive service.

(r) All positions of a project nature when filled by individuals the salaries for whom are paid out of funds allocated by the President under authority of Public Law 87–658, approved September 14, 1962, the Public Works Acceleration Act. Employment under this authority shall be for a temporary period not to exceed one year.

(s) [Reserved]

(t) Not to exceed September 30, 1968, and subject to prior approval of the Civil Service Commission, positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the Civil Service Commission. Provisions to be

included in such agreements are specified in the Federal Personnel Manual.

(u) Subject to prior approval of the Commission, positions when filled by severely handicapped persons who, under temporary appointment, have demonstrated their ability to perform the duties satisfactorily.

(v) Between May 14, 1967, and September 30, 1967, temporary summer trainee positions whose duties involve work of a routine nature not regularly covered under the General Schedule and requiring no specific knowledges or skills, when filled by persons appointed in furtherance of the President's Youth Opportunity Campaign. A person may not be appointed unless he has reached his 16th but not his 22d birthday, or employed for more than 700 hours under this paragraph. This paragraph shall apply only to positions whose pay is fixed at the equivalent of the minimum wage rate established by the Fair Labor Standards Amendments of 1966 (currently $1.40 an hour) or at the equivalent of an applicable State or municipal minimum wage rate, if that is higher.

(w) Part-time or intermittent positions the duties of which involve work of a routine nature when filled by students appointed in furtherance of the President's Youth Opportunity Stay-in-School Campaign and when the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment in a resident secondary school or institution of higher learning, accredited by a recognized accrediting body; (2) employment does not exceed 16 hours in any calendar week (40 hours in any calendar week which falls within a vacation period during the regular school year); (3) while employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer; (4) appointees need the earnings from the employment to continue in school; and (5) salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance. Appointments under this authority may not extend beyond 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed 1 year each if the conditions for initial appointment are still met. An agency head may not appoint under this authority the son or daughter of a civilian employee of that agency or the son or daughter of a member of its uniformed service. A person may not be appointed under this authority unless he has reached his 16th but not his 22d birthday.

(x) Subject to prior approval of the Commission, positions for which a local recruiting shortage exists when filled by inmates of Federal and District of Columbia penal and correctional institutions under work release programs authorized by the Prisoner Rehabilitation Act of 1965 and the District of Columbia Work Release Act. Initial appointments under this authority may not exceed one year. An initial appointment may be extended for one or more periods not to exceed one additional year each with the prior approval of the Commission upon a finding that the inmate is still in a work release status and that a local recruiting shortage still exists. No person may serve under this authority longer than one year beyond the date he is released from custody.

(y) [Reserved]

(z) Not to exceed 30 positions of assistants to top-level Federal officials when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS–12 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its postdoctoral research associate program and may be made initially for 1 year only. An agency may extend an appointment made under this authority for up to one additional year when the program committee at the laboratory concerned determines that extension will benefit both the associate and the laboratory.

§ 213.3103 Executive Office of the President.

(a) *Office of Science and Technology.* (1) All professional positions on the Staff of the Office.

(b) *National Council on Marine Resources and Engineering Development.* (1) All positions on the Council staff.

§ 213.3104 Department of State.

(a) *Office of the Secretary.* (1) Six physical science administration officers at GS–14 and above in International Scientific and Technological Affairs.

(2) Six positions of Member of the Executive Secretariat.

(3) Chief, Reports and Operations Staff, Executive Secretariat.

(4) Four Assistants to the Executive Secretary, Executive Secretariat.

(5) Executive Officer, Executive Secretariat.

(6) Chief, Correspondence Review Staff, Executive Secretariat.

(b) *Bureau of Intelligence and Research.* (1) Not to exceed 35 professional and technical positions.

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) Not to exceed 27 Realty Officers, Appraisers, Negotiators, Specialists, and Assistants, GS–5 through 14. Not to exceed five Interviewers (Interpreter), GS–5 through 11. Appointment under this authority may not extend beyond 4 years from the date of authorization of the Chamizal Project.

(3) Not to exceed three Administrative Assistants GS–7 through 11. Appointments under this authority may not extend beyond 4 years from the date of authorization of the Chamizal Project.

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or 6 months within any 1 calendar year.

(e) *Office of the Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

(4) One Special Assistant to the Chief, News Division.

(5) One Special Assistant to the Deputy Assistant Secretary (Domestic Affairs).

(f) *Bureau of International Organization Affairs.* (1) One Special Assistant to the Assistant Secretary.

§ 213.3105 Treasury Department.

(a) *Bureau of Narcotics.* (1) Fifty positions of Narcotic Agent for undercover work.

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) [Reserved]

(3) Part-time, intermittent, or temporary Customs Inspectors, Deputy Collectors, and Deputy Collectors in Charge in Alaska at a salary rate not in excess of GS–8, for not to exceed 130 working days a year.

(4) Positions of day "pickup" laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pickup" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at the GS–9 grade level and below of customs enforcement officer, customs inspector, customs marine clerk/officer, customs sampler, customs warehouse officer, deputy collector, interpreter, janitor, and laborer that are of a continuing nature, and the duties of which are intermittent or part-time and require the services of an employee for not more than 700 hours of employment during his service year. A person appointed under this authority may not be employed in the Bureau of Customs under a combination of this authority and any other authority for excepted appointment for more than 700 hours during his service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(7) One position of Confidential Assistant to the Commissioner of Customs.

(8) Staff assistant positions established to aid in the reorganization of the Bureau of Customs under Reorganization Plan No. 1 of 1965, when filled by persons with 1 year or more of current service as a Presidential appointee in a key position in the Bureau. No person may be employed under this paragraph in excess of 3 years.

(c) *Coast Guard.* (1) Lamplighters.

(2) Professors, associate professors, assistant professors, instructors, one principal librarian, one cadet hostess, and one psychologist (counseling) at the Coast Guard Academy, New London, Conn.

(d) *U.S. Savings Bonds Division.* (1) Positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

(e) *Internal Revenue Service.* (1) Fifty positions of investigator for special assignments.

(f) *Office of the Assistant Secretary for International Affairs.* (1) Not to exceed 10 positions in the Research and Planning Office at the equivalent of GS–13 through GS–17 to supplement the permanent staff in the study of complex problems relating to international financial and economic policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

§ 213.3106 Department of Defense.

(a) *Office of the Secretary.* (1) Five Special Advisers in the immediate office of the Secretary or Deputy Secretary with responsibility for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(4) Three Staff Assistants.

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in attache systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(c) *Interdepartmental Activities.* (1) Positions in support of National Security Programs and Space Council Activities.

(d) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

§ 213.3107 Department of the Army.

(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(3) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of 3 months' training and a maximum of 12 months' training, depending upon the individual's previous clinical training.

(4) [Reserved]

(5) Positions assigned exclusively to Army Communications Intelligence Activities.

(6) Trainee student medical technologist (intern) positions at the Rodriguez Army Hospital, Fort Brooke, Puerto Rico. Appointments to these positions will not extend beyond the training period applicable to each individual case, depending upon the individual's previous clinical training. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(b) *Transportation Corps.* (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Corps of Engineers.* (1) Land appraisers employed on a temporary basis for a period not to exceed 1 year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U.S. Civil Service Examiners to service the employing establishment.

(3) Positions of Academic Director, Department Head, and Instructor at the U.S. Military Academy Preparatory School, Fort Belvoir, Va.

(d) *U.S. Military Academy, West Point, N.Y.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) *National War College, Washington, D.C.* (1) Civilian directors of studies for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

(f) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(g) *Defense Language Institute.* (1) Language instructor positions and professional positions at the West Coast Branch whose duties require supervising the language instructors or developing and evaluating instructional material and methods directly related to the teaching of foreign languages.

(2) Typists of foreign language material at the West Coast Branch whose duties require them to make corrections in grammar and spelling of the material typed.

(3) Professors, instructors, and teachers at the East Coast Branch.

(4) Foreign language instructor positions at local Army language training facilities established pursuant to the Defense Language Program.

(h) *Army War College, Carlisle Barracks, Pa.* (1) One position of Educational Specialist for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

§ 213.3108 Department of the Navy.

(a) *General.* (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence Activities and positions assigned to Naval Security Group Activities/Functions.

(2) [Reserved]

(3) Positions of teachers in indigenous schools at Chichi Jima, Bonin-Volcano Islands.

(4) Not to exceed 50 positions of Resident-in-Training at U.S. Naval hospitals

which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal hospitals. Assignments to these positions shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and shall be only to positions excepted from the Classification Act under the provisions of Public Law 330 of the 80th Congress.

(5) One Staff Assistant to the Naval Aide to the President.

(6) Until December 31, 1967, not to exceed two positions when occupied by U.S. citizens who were serving under excepted or overseas limited appointment at the Naval Base at Guantanamo Bay, Cuba, during October 1962.

(7) Positions of Student Social Worker for temporary, part-time, or intermittent employment in Navy hospitals when filled by bona fide students enrolled in academic institutions: *Provided*, That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by such educational institution to qualify for a graduate degree in social work. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(8) Positions of Student Practical Nurse for temporary, part-time, or intermittent employment in Naval Hospitals and Station Hospitals, when filled by trainees enrolled in a non-Federal institution in an approved program of educational and clinical training which meets the requirements for licensing as a practical nurse. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(9) One Personnel Security Specialist, Naval Personnel Program Support Activity, Bureau of Naval Personnel.

(10) Positions of Medical Technology Intern in Naval and station hospitals when filled by students enrolled in approved programs of training in non-Federal institutions. Employment under this authority may be on a full-time, part-time or intermittent basis but may not exceed 1 year. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(11) Positions of Medical Intern at U.S. Naval Hospitals when filled by persons who are serving medical internships at participating non-Federal hospitals and whose compensation is fixed under 5 U.S.C. 5351–5356. Employment under this authority may not exceed 1 year.

(12) Positions of Student Speech Pathologist at U.S. Naval Hospitals when filed by persons who are enrolled in participating non-Federal institutions and whose compensation is fixed under 5 U.S.C. 5351–5356. Employment under this authority may not exceed 1 year.

(b) *U.S. Naval Academy.* (1) Professors, instructors, and teachers in the U.S. Naval Academy, the U.S. Naval Postgraduate School, and the Naval War College; and the librarian, organist-choirmaster, registrar, the Dean of Admissions at the U.S. Naval Academy, and social counselors.

(c) *U.S. Naval Home.* (1) Positions of Orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sea Transportation Service.* (1) All positions on vessels operated by the Military Sea Transportation Service.

(e) [Reserved]

(f) *U.S. Naval Radiological Defense Laboratory, San Francisco, Calif.* (1) Scientific and professional research positions at GS–12 and above when filled on a temporary basis by persons having a doctoral degree or its equivalent in natural science and related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed six positions at any one time. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed 1 additional year.

§ 213.3109 Department of the Air Force.

(a) *Office of the Secretary.* (1) Four Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with pilot studies.

(b) *General.* (1) Positions on the cable ship operated by the Air Force Communication Service.

(c) [Reserved]

(d) *U.S. Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and two Instructors in Music (Choirmasters).

§ 213.3110 Department of Justice.

(a) *General.* (1) Field Deputy U.S. Marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of bailiff in the U.S. courts when employed on an intermittent basis.

(3) U.S. Marshal in the Virgin Islands.

(4) Until December 31, 1967, 25 professional, technical, and administrative positions at grade GS–9 and above to staff the program under the Law Enforcement Assistance Act of 1965.

(b) *Immigration and Naturalization Service.* (1) Information Officer.

(2) Four positions of Regional Commissioner.

§ 213.3111 Post Office Department.

(a) *General.* (1) Clerks in fourth-class post offices.

(2) Substitute Rural Carriers employed:

(i) During the incumbency of a Rural Carrier to serve the Carrier's route when he is absent on leave or for military duty, or

(ii) To serve pending the filling of a Rural Carrier vacancy, provided that the Post Office Department shall obtain prior approval of the Commission for employment of any substitute in a Rural Carrier vacancy in excess of 90 days.

(3) Special delivery messengers in second-, third-, and fourth-class post offices.

(4) One Administrative Assistant to each Regional Director (15 positions).

(5) One Administrative Assistant to the Assistant to the Regional Director (Dallas Region).

(6) [Reserved]

(7) Clerks employed on a part-time basis in third-class post offices in Alaska.

(8) Fourth-class postmaster positions in Alaska.

(9) Positions (other than Postmaster) in Samoa, The Trust Territory, Canton Island, and Wake Island.

(10) One additional assistant to the Boston Regional Director.

(11) Temporary employment of Christmas assistants in the postal field service for not more than 28 calendar days in December.

(12) For employment of 11 deaf mutes on an experimental basis with prior approval of the Commission.

§ 213.3112 Department of the Interior.

(a) *General.* (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS–5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS–4 and below in survey parties in the Bureau of Land Management and Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year.

(6) Persons employed in field positions, the work of which is financed

jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS–7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators; and samplers; and positions of field assistants engaged in fishery management work. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(11) Scientific and technical positions when filled by aliens in the absence of qualified citizens. Approval of the Office of the Secretary is required in each case. No more than 25 appointments may be made under this authority in any year.

(b) *Bureau of Indian Affairs.* (1) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS–4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(2) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS–4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.* (1) Five Area Managers.

(e) *Office of Territories.* (1) The Clerk of the High Court of American Samoa.

(2) [Reserved]

(3) The Government Comptroller for the Virgin Islands.

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (general, naturalist, historian, and archeologist) at salaries equivalent to GS–5 or GS–4, and not to exceed 200 such positions at salaries equivalent to grade GS–7 or GS–6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. Employment under this subparagraph is limited to persons who meet the qualifications standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a park ranger at a salary equivalent to the next lower grade:

(i) For IGS–7, 2 seasons at IGS–6 level;
(ii) For IGS–6, 2 seasons at IGS–5 level;
(iii) For IGS–5, 1 season at IGS–4 level.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided*, That such employment may, with prior approval of the Commission, be extended for not to exceed an additional 50 days in any single year.

(h) *The Alaska Railroad.* (1) Reserved.

(2) The General Manager.

(3) The Assistant General Manager.

(i) *Office of Geography.* (1) One position of Research Analyst (Native Arabic Language Expert), GS–7.

§ 213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service or positions in the Statistical Reporting Service. This authority is not applicable to the following positions in the Consumer and Marketing Service: Agricultural commodity grader (grain) and (meat), agricultural commodity aid (grain), and poultry and tobacco inspection positions.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS–7 or higher to be filled on an exchange basis by qualified employees on the rolls of State governments, colleges, or universities, for a limited period not to exceed 1 year.

(4) Local Agents, except veterinarians, employed temporarily outside Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary, intermittent, or seasonal employment in the field service of the Department of Agriculture in the kinds of positions indicated below. This authority is applicable to positions where the salary is equivalent to GS–5 or below; except that for the forest worker positions under subdivision (v) of this subparagraph it may be used regardless of salary for wage board positions, and for the positions under subdivision (viii) of this subparagraph it may be used for the levels therein indicated. Employment under this authority shall not exceed 130 working days a year for positions under subdivisions (ii), (iii), and (iv) of this subparagraph; and total employment under this subparagraph shall not exceed 180 working days a year.

(i) Field assistants for subprofessional services.

(ii) Subject to prior approval of the Commission, clerical positions and positions in the trades, crafts, and manual laborer occupational groups exclusive of those covered by § 213.3102 (i) and (m) at places other than at central office and regional and branch office cities of the Commission when (*a*) there is no local Board of U.S. Civil Service Examiners to service the employing establishment, and (*b*) there is no appropriate register or there is a shortage of available eligibles.

(iii) Caretakers at temporarily closed camps or improved areas.

(iv) Field enumerators and supervisors.

(v) Forest workers engaged primarily for fire prevention or suppression activities and also other forest workers when the employment is with headquarters other than forest supervisor and regional offices.

(vi) State Performance Assistants of the Agricultural Stabilization and Conservation Service.

(vii) Collectors of the Farmers Home Administration.

(viii) Agricultural Research helpers, helper-leaders, and workers, paid at rates not in excess of WB–5 and Leader–5 in the Agricultural Research Service.

(6) Not to exceed eight positions whose incumbents serve on an intermittent or temporary basis as field representatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Public Law 81–875, is under consideration. Employment under this authority shall not exceed 130 working days a year.

(7) [Reserved]

(8) Until December 31, 1968, not to exceed 100 positions directly concerned with programs of the Department for employment of Cuban refugees possessing college-level training appropriate

for such positions: *Provided*, That, employment under this authority in any individual case shall be on a temporary basis for periods not to exceed 1 year and shall not exceed 2 years without the prior approval of the Civil Service Commission.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(2) The positions of the two members and two alternate members of the Board of Forest Appeals which must be filled under Departmental regulation by persons who have not been Federal employees for 2 years before appointment. Employment under this exception shall be on a when-actually-employed basis.

(c) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service.* (1) Six Area Directors above GS–14.

(2) Members of State Committees.

(3) State Executive Directors.

(4) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(e) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of emergency loans pursuant to Public Law 87–128. Appointment under this provision shall not exceed 1 year unless extended with the prior approval of the Commission for additional periods of not to exceed 1 year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(5) Temporary positions in State and county offices of the Farmers Home Administration whose principal duties involve the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Appointments under this provision shall not exceed 1 year unless extended with prior Commission approval for not to exceed 1 additional year.

(f) *Consumer and Marketing Service.* (1) Positions of cotton classers GS–9 and below, clerks GS–2, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 1,280 hours a year in the case of cotton classers and laborers and 1,040 hours a year in the case of clerks; except that GS–5 cotton classers may be employed as trainees during their first appointment only for an initial period of 6 months for training purposes without regard to the above time limitation.

(2) Positions of poultry inspector (veterinarian at GS–11 and below, and nonveterinarian at appropriate grades below GS–11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(5) Positions of agricultural commodity aid (cotton) GS–2, 3, and 4, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., Metropolitan Area for not to exceed 1,280 hours a year. Employment under this authority may not exceed 850 positions at GS–2, and 92 positions at GS–3 and GS–4.

(g) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40-percent contribution by each of the cooperators.

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Agricultural Research Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

(h) *Foreign Agricultural Service.* (1) Agricultural Attaché positions at grade GS–16 and above where the duties require that the major portion of the employee's time be spent in foreign countries.

(i) *International Agricultural Development Service.* (1) Positions of Technical Leader at Grade GS–12 and above employed in the training of foreign nationals on a temporary basis for not to exceed 130 working days a year.

§ 213.3114 Department of Commerce.

(a) *General.* (1) Agents to take and transmit meteorological observations in connection with aviation who are employed on a part-time basis and whose compensation is based on a fee for each observation performed rather than on an hourly or per annum basis: *Provided*, That the number of observations shall not exceed a daily average of 12 during any calendar month.

(2) Employment of individuals, firms, or corporations for not to exceed 1 year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the Act of May 27, 1935 (49 Stat. 292): *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

(2) One Civil Aviation Specialist.

(3) One Adviser on Equal Employment Opportunity.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any 1 calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service for temporary, part-time, or intermittent employment, for not to exceed 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed 1 year each; but that prior Commission approval is required for extension of full-time employment for longer than 1 year.

(2) Positions of Field Agent to conduct the 1966–67 census of governmental finances and government employment. Employment under this authority may not extend beyond June 30, 1968.

(e) [Reserved]

(f) *Bureau of Public Roads.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS–5 for subprofessional engineering aide work on highway surveys and construction projects, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(g) *Business and Defense Services Administration.* (1) Not to exceed 30 positions, at grades GS–13 and higher, to be filled by appointment of persons, qualified as industrial specialists, who possess specialized knowledge and experience in the field of industrial production, industrial operations and related problems, applicable to one or more of the current segments of industry served by the Business and Defense Services Ad-

ministration. Appointments under this authority may be made for a period not to exceed 2 years, and may, with prior approval of the Commission, be extended for an additional period of 2 years.

(h) *Maritime Administration.* (1) Public Information Officer.

(2)–(4) [Reserved]

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(7) [Reserved]

(8) One Special Assistant to the Administrator (Tanker Adviser).

(9) Two Special Assistants to the Deputy Administrator.

(10) U.S. Merchant Marine Academy, positions of: Professors, Instructors, and teachers; including heads of the Departments of Physical Training and Athletics, Ships Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; the Regimental Officer; the Drill and Activities Officers; the Band and Activities Officer; and the First, Second, and Third Battalion Officers.

(11) U.S. Merchant Marine Academy, positions of: The Superintendent, the Executive Officer and Assistant Superintendent; Dean; Registrar and Educational Services Officer; Educational Specialist (Administration) (Assistant Dean); Alumni Records Officer and Placement Director; Librarian; the Special Assistant to the Superintendent; and three Academy Training Representatives.

(i) *Office of the Assistant Secretary for Domestic and International Business.* (1) Ten positions at GS–13 and above in specialized fields relating to international trade or commerce in the Bureau of International Commerce or in other units under the jurisdiction of the Assistant Secretary for Domestic and International Business. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for any individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(3) Until December 31, 1967, 40 positions in Alaska whose function is to aid in carrying out U.S. participation in the Alaska Purchase centennial celebration, as follows: One Exposition Officer GS–14; two deputy Exposition Officers GS–13; nine Guide-Demonstrators GS–6; nine Building Guards GS–3 and GS–4; one fiscal and Property Officer GS–9; one Secretary GS–6; one [illegible]nation Clerk GS–5; and 10 Cleane[illegible] Projectionists, and one Electri[illegible] be paid at prevailing rates under the wage board system. The 24 positions under the General Schedule may be established at lower grade levels than those indicated as required.

(j) *Environmental Science Services Administration.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethal, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Cook positions on Swan Island.

§ 213.3115 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and two Members, Employees' Compensation Appeals Board.

(b) *Bureau of Employment Security.* [Reserved]

(c) [Reserved]

(d) *Bureau of Labor Statistics.* (1) Part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS–5 and below. Employment within the Bureau of Labor Statistics under this authority, or a combination of this authority and any other authorities for excepted appointment, shall not exceed:

(i) 180 working days a year for positions at GS–5;

(ii) 130 working days a year for positions at GS–4 and below.

The total number of appointments at GS–5 shall not exceed 75. Appointments at the GS–3 and GS–4 grade levels are not limited in number.

(e) [Reserved]

(f) *Office of Federal Contract Compliance.* (1) All positions in the Office of Federal Contract Compliance established under Parts II, III, and IV of Executive Order No. 11246 of September 24, 1965.

§ 213.3116 Department of Health, Education, and Welfare.

(a) *St. Elizabeths Hospital.* (1) Three Medical Officers (Surgical Resident).

(2) Student Medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving 12 weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(4) Three positions of Medical Officers (Radiology Resident): *Provided,* That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident.

(5) Until June 30, 1969, eight psychodrama trainees, including interns and first- and second-year residents. This authority shall be applied only to positions with compensation fixed in accordance with the provisions of section 3 of Public Law 80–330.

(6) Two Medical Officers (Anatomical Pathology Resident) for not to exceed 2 years' employment in the case of any one individual.

(7) Three Medical Officers (Internal Medicine Resident) for not to exceed 3 months' employment in the case of any one individual.

(8) Four positions of Medical Officer (Physical Medicine and Rehabilitation Resident): *Provided,* That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident. Initial appointments may be made at any level within the 3-year residency as approved by the American Medical Association.

(9) Not to exceed 22 positions of Chaplain Residents: *Provided,* That employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(10) One position of Medical Officer (Ophthalmology Resident) when filled by persons whose compensation is fixed under 5 U.S.C. 5351–5356. Employment under this authority may not exceed 4 months.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided,* That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further,* That appropriate exclusions of the positions under the authority of Public Law 80–330 have been approved by the Civil Service Commission.

(7) Student Dieticians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.* (1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(d) *Social Security Administration.* (1) One position of claims examiner or social insurance representative in a district office of the Bureau of Old-Age and Survivors Insurance in the State of Arizona when filled by the appointment of a person of one-fourth or more Indian blood.

(e) *General.* (1) Until December 31, 1967, 60 positions in medical and related occupations for employment under the Cuban refugee program. Employment of any person under this authority shall not extend more than one year beyond the expiration of the authority.

(f) *The President's Council on Physical Fitness.* (1) Three staff assistants, The President's Council on Physical Fitness.

(g) *Welfare Administration.* (1) Not to exceed 225 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided,* That employment under this authority shall be temporary and no employment shall be made under it after December 31, 1967.

§ 213.3121 National Security Council.

(a) All positions on the staff of the Council.

§ 213.3123 Interagency Committee on Mexican American Affairs.

(a) All positions on the committee staff.

§ 213.3124 Board of Governors, Federal Reserve System.

(a) All positions.

§ 213.3126 Office of Emergency Planning.

(a) One Field Representative, Resource Readiness Office.

§ 213.3127 Veterans Administration.

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

§ 213.3128 U.S. Information Agency.

(a) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(b) One Chief of Religious Information.

§ 213.3129 Federal Power Commission.

(a) Three special assistants to the Commission.

§ 213.3130 Securities and Exchange Commission.

(a) Director, Division of Corporation Finance; Director, Division of Corporate Regulation; Director, Division of Trading and Markets.

(b) Nine positions of Regional Administrator.

§ 213.3132 Small Business Administration.

(a)–(d) [Reserved]

(e) When the President under 42 U.S.C. 1855–1855g, or the Secretary of Agriculture under 7 U.S.C. 1961, declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended, for the duration of the disaster. Original appointments may not exceed 6 months, and no employee appointed under this exception may work in any one disaster area for more than 6 months without prior approval of the Commission.

(f) Until December 31, 1968, positions of receivers or trustees who serve on an intermittent basis in receivership actions affecting Small Business Investment Companies.

§ 213.3133 Federal Deposit Insurance Corporation.

(a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(b) One position of Chief Clerk in the San Juan, P.R., office.

§ 213.3135 National Capital Housing Authority.

(a) Executive Director.

§ 213.3136 U.S. Soldiers' Home.

(a) All positions.

§ 213.3137 General Services Administration.

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care, and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

§ 213.3138 Federal Communications Commission.

(a) One Associate Chief Engineer.

(b) The Chief of each of the following Bureaus; Broadcast, Common Carrier, and Safety and Special Radio Services.

§ 213.3139 U.S. Tariff Commission.

(a) The Secretary of the Commission.

§ 213.3141 National Labor Relations Board.

(a) Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

§ 213.3142 Export-Import Bank of Washington.

(a) Three Special Assistants to the Board of Directors, grade GS–14 and above, with responsibility for carrying out special overseas assignments for the Board.

§ 213.3143 Farm Credit Administration.

(a) Federal Land Bank Association receivers and conservators.

(b) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS–13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided,* That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

§ 213.3144 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1)–(4) [Reserved]

(5) One Special Assistant to the Deputy Administrator.

§ 213.3146 Selective Service System.

(a) State Directors.

(b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.

(c) Until June 30, 1971, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

(d) Executive Secretary, National Selective Service Appeal Board.

§ 213.3147 Federal Mediation and Conciliation Service.

(a) Executive Secretary of a Board of Inquiry appointed under section 206 of the Labor-Management Relations Act of 1947 (29 U.S.C. 176).

§ 213.3148 National Aeronautics and Space Administration.

(a) One hundred fifty alien scientists having special qualifications in the fields of aeronautical and space research

where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Forty scientific specialists to be engaged on special research projects.

(c) [Reserved]

(d) Ten medical officer positions for employment of third year medical residents in the field of aerospace medicine. An individual may not be employed more than one year under this exception.

§ 213.3149 Panama Canal Company, New Orleans.

(a) All positions on vessels operated by the Panama Canal Company.

§ 213.3152 St. Lawrence Seaway Development Corporation.

(a) One Assistant Manager, Seaway International Bridge.

§ 213.3153 District of Columbia Government.

(a) Positions of noneducational employees of the Board of Higher Education, the Board of Vocational Education, the Federal City College, and the Washington Technical Institute.

§ 213.3154 Federal Home Loan Bank Board.

(a) One Secretary, Federal Home Loan Bank Board.

(b) [Reserved]

(c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

§ 213.3156 Commission on Civil Rights.

(a) Fifteen positions at grade GS–11 and above to engage in and advise on the collection, study, and appraisal of information developed in accordance with Public Law 88–352. Appointments made under this authority shall be limited to persons having a particular competency in the areas concerned and shall not extend beyond March 31, 1968.

(b) Until March 31, 1968, not to exceed 20 positions at GS–5 through GS–11 for the temporary part-time or intermittent employment of persons hired locally to investigate sworn complaints of patterns or practices of fraud or discrimination in the conduct of national elections. Employment under this authority shall not exceed 130 days in any one service year.

§ 213.3157 Federal Aviation Agency.

(a) Caretakers and light attendants employed on emergency fields and other air navigation facilities, who are paid on a fee basis.

(b) Medical Officer positions on Canton and Wake Islands.

(c) Laborer positions on Swan Island.

§ 213.3158 Franklin Delano Roosevelt Memorial Commission.

(a) All positions on the staff of the Commission.

§ 213.3160 The President's Committee on Urban Housing.

(a) All positions on the Committee staff.

§ 213.3161 James Madison Memorial Commission.

(a) One Executive Secretary.

§ 213.3162 National Aeronautics and Space Council.

(a) All positions.

§ 213.3163 Advisory Commission on Parcel Distribution Services.

(a) Until January 31, 1969, all positions on the Commission's staff.

§ 213.3164 U.S. Arms Control and Disarmament Agency.

(a) Until April 30, 1969, seven project officers above GS–13 in the Weapons Evaluation and Control Bureau and 10 physical science officers above GS–12.

§ 213.3165 President's Advisory Committee on Labor-Management Policy.

(a) One Assistant Executive Director.

§ 213.3169 President's Committee on Equal Opportunity in Housing.

(a) Positions, other than the Staff Director, on the Staff of the President's Committee on Equal Opportunity in Housing established by the President on November 20, 1962.

§ 213.3170 Civil Service Commission.

(a) Persons employed on a WAE basis to serve as members of the International Organizations Employees Loyalty Board for the purpose of holding hearings overseas.

§ 213.3174 Smithsonian Institution.

(a) Positions when filled by alien scientists and technicians appointed after the Secretary has determined in each case that no qualified citizen is available for the particular position.

§ 213.3175 President's Commission on Postal Organization.

(a) Until June 30, 1968, all positions on the Commission staff.

§ 213.3178 Atlantic-Pacific Interoceanic Canal Study Commission.

(a) All positions on the Commission staff.

§ 213.3179 The President's Commission on Crime in the District of Columbia.

(a) All positions on the President's Commission on Crime in the District of Columbia.

§ 213.3181 The President's Commission on Law Enforcement and Administration of Justice.

(a) All positions on the President's Commission on Law Enforcement and Administration of Justice.

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* (1) One Deputy Chairman.

(2) Director of State and Local Operations.

(3) Seven Arts Program Directors.

(4) [Reserved]

(5) Director of Studies and Analysis.

(6) Project Coordinator.

(7) Three Project Evaluators.

(8) Four Grant Processors.

(9) Director, Education Programs and Public Media.

(b) *National Endowment for the Humanities.* (1) Deputy Chairman.

(2) Director, Division of Educational Programs and Special Projects.

(3) Director of Planning and Analysis.

(4) Director, Division of Fellowships and Stipends.

(5) Director, Division of Research and Publications.

(6) Special Assistant to the Chairman.

(7) Program Officer, Division of Educational Programs and Special Projects.

(8) Program Officer, Division of Fellowships and Stipends.

(9) Program Officer, Division of Research and Publications.

(10) Assistant to the Director, Division of Planning and Analysis.

§ 213.3183 National Advisory Commission on Food and Fiber.

(a) All positions on the staff of the Commission.

§ 213.3184 Department of Housing and Urban Development.

(a) *Office of the Secretary.* (1) Director, Inspection Division.

(b) *Office of the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.* (1) Five regional operations commissioners.

§ 213.3187 District of Columbia Redevelopment Land Agency.

(a) Neighborhood Aide (Urban Renewal) positions when filled by residents of the urban renewal project area in which the Aides will serve. Employment under this authority may not exceed 2 years.

§ 213.3190 Commission on Marine Science, Engineering, and Resources.

(a) All positions on the Commission staff.

§ 213.3191 Select Commission on Western Hemisphere Immigration.

(a) All positions on the Commission staff.

§ 213.3193 National Advisory Commission on Rural Poverty.

(a) Until June 30, 1968, not to exceed 25 positions on the Commission staff.

§ 213.3194 Department of Transportation.

(a) *Coast Guard.* (1) Continuing positions at grade GS–9 and below whose incumbents are engaged in the admeasurement or documentation of merchant vessels on a part-time or intermittent basis

not exceeding 700 hours in a service year. A person appointed under this authority may not be employed in the Coast Guard under a combination of this authority and any other authority for excepted appointment for more than 700 hours during his service year.

§ 213.3195 President's Temporary Commission on Pennsylvania Avenue.

(a) Not to exceed six positions on the Temporary Commission staff.

§ 213.3196 President's Commission on Budget Concepts.

(a) Until June 30, 1968, all positions on the staff of the Commission.

§ 213.3197 Interagency Committee on Civil Disorders.

(a) Until September 30, 1968, all positions on the Committee staff.

SCHEDULE B

§ 213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

The positions enumerated in §§ 213.3202 to 213.3299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions are subject to such noncompetitive examination as may be prescribed by the Commission.

§ 213.3202 Entire executive civil service.

(a) Student Trainee positions established in connection with an organized preprofessional undergraduate work-study program involving alternating periods of planned work experience (including at least 6 months in the agency) and related study at an accredited college or university in either (1) a cooperative curriculum in which the work experience is a prerequisite to the award of a degree, or (2) a curriculum where formal arrangements are made with the college or university for selecting and retaining program participants, and for scheduling and coordinating work experience and academic study. Appointments under this paragraph may be made only to Student Trainee positions which are preparatory to professional work which the Commission determines to be in a shortage occupation for this purpose. The Commission's determinations in this respect and other requirements relating to appointments under this paragraph will be published in the Federal Personnel Manual. Except for the requirement of competitive selection from a register, appointments under this paragraph are subject to all the requirements and conditions governing career-conditional appointment, including investigation by the Commission to establish the appointee's qualifications and suitability. Appointees may not continue to serve in Student Trainee positions more than 90 days after they complete or are separated from the work-study program.

§ 213.3204 Department of State.

(a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

(b) Technical cryptographic positions in the Communications Security Division, Office of Communications.

(c) Director and Deputy Director, Foreign Buildings Operations.

§ 213.3205 Treasury Department.

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Chief National Bank Examiner, Deputy Regional Chief National Bank Examiner, Senior National Bank Examiner, National Bank Examiner, Senior Assistant National Bank Examiner, Assistant National Bank Examiner, Deputy to the Comptroller of the Currency for Trusts, Representatives in Trusts, Associates in Trusts, Assistants in Trusts and one Administrative Assistant to the Comptroller of the Currency, whose salaries are paid from assessments against national banks and other financial institutions.

(b) Cryptographer, U.S. Coast Guard.

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by the Commission. Service under this authority may not exceed (1) a total of 4 years or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever occurs first.

§ 213.3206 Department of Defense.

(a) *Office of the Secretary.* (1) Professional members of Policy Planning Staff in positions at grades GS–16 and above and two Special Projects Directors, GS–15, Office of Deputy Assistant Secretary (Planning and NSC), Office of the Assistant Secretary of Defense (International Security Affairs).

(2) Professional positions at GS–11 and above involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Systems Analysis); and in the Operations Analysis Group and in the Office of the Deputy Assistant Secretary (Management Systems Development), both in the Office of the Assistant Secretary (Comptroller).

(3) Professional positions at grades GS–16 and above in the Directorate for Special Studies, Office of the Deputy Assistant Secretary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).

(4) One Assistant for Counter-Insurgency, Office of the Assistant Secretary (International Security Affairs).

§ 213.3209 Department of the Air Force.

(a) Positions assigned exclusively to Air Force Communications Intelligence Activities.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

§ 213.3210 Department of Justice.

(a) [Reserved]

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

§ 213.3212 Department of the Interior.

(a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

§ 213.3214 Department of Commerce.

(a) *Bureau of Census.* (1) Not to exceed 100 positions of interviewers, supervisors, and data collection specialists in the Census Bureau who conduct interviews in the hard-core poverty areas of large cities or who supervise the conduct of these interviews, when filled by residents of the areas served.

(b) *Economic Development Administration.* (1) Four Area Supervisors.

(2) Four Assistant Area Supervisors.

(c) *Office of the Under Secretary for Transportation.* (1) Special Assistant for Traffic Safety Program Planning.

(2) Special Assistant for Traffic Safety Research Coordination.

(3) Special Assistant for Traffic Safety Research Testing and Demonstration.

(d) *National Highway Safety Agency.* (1) Until November 30, 1968, 25 positions of specialists at GS–14 and above concerned with the development of vehicle and program safety standards and requiring pertinent engineering, research, and other technical experience in related program specialities.

§ 213.3215 Department of Labor.

(a) Not to exceed 25 positions of Manpower Development Specialist at grades GS–9 through GS–15 for employment in the Bureau of Work Programs. This authority may not be used after June 30, 1968.

§ 213.3216 Department of Health, Education, and Welfare.

(a) *Office of Education.* (1) Fifty positions, GS–7 through GS–11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under

this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of the Civil Service Commission, be extended for an additional period of 1 year.

§ 213.3228 U.S. Information Agency.

(a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

§ 213.3229 Federal Power Commission.

(a) A Chief Engineer.

§ 213.3237 General Services Administration.

(a) *National Advisory Council on Economic Opportunity.* (1) Until June 30, 1968, one Research Specialist.

§ 213.3242 Export-Import Bank of Washington.

(a) Not to exceed three positions of Loan Specialist GS–11 through GS–13 when occupied by persons selected jointly by commercial banks and the agency for participation in the Eximbank-Commercial Bank Orientation Program. Appointments under this authority may not exceed 15 months.

§ 213.3246 Selective Service System.

(a) Positions in the Selective Service System when filled by persons who as commissioned officer personnel in the Armed Forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

§ 213.3253 District of Columbia Government.

(a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

§ 213.3256 Commission on Civil Rights.

(a) Until March 31, 1968, three positions at grades GS–9 and above to engage in the preparation and dissemination of information about the developments, legislation, and other pertinent happenings relating to the field of civil rights gathered by the Commission on Civil Rights in carrying out its assigned functions.

§ 213.3268 Agency for International Development.

(a) Not to exceed 30 positions at GS–9 and above when filled by persons who have served overseas with the Agency for International Development for not less than 2 years.

§ 213.3273 Office of Economic Opportunity.

(a)–(d) [Reserved]

(e) Seven Regional Directors.

(f) Not to exceed 50 positions at GS–9 through GS–15 in new, experimental programs or special projects when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after June 30, 1968.

(g) [Reserved]

(h) One Chief, Research and Plans Division.

§ 213.3276 Appalachian Regional Commission.

(a) Two Program Coordinators.

SCHEDULE C

§ 213.3301 Positions of a confidential or policy-determining character.

The positions enumerated in §§ 213.3302 to 213.3399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

§ 213.3301a Special revocation of exceptions.

The exception from the competitive service for each position in the executive branch listed in Schedule C which is classified in grade GS–16, GS–17, or GS–18, and is covered by Civil Service Rule IX (§ 9.1 of Subchapter A of this chapter) is revoked effective November 17, 1967. Each such position is removed from Schelude C effective November 17, 1967.

§ 213.3303 Executive Office of the President.

(a) *Bureau of the Budget.* (1) Three Assistant Directors.

(2) Two Private Secretaries to the Director.

(3) One Private Secretary to the Deputy Director.

(4) One Private Secretary to each of the three Assistant Directors.

(b) *Council of Economic Advisers.* (1) Three Private Secretaries to the Chairman and one to each of the other two members.

(c) *Office of Science and Technology.* (1) One Confidential and Secretarial Assistant to the Director.

(2) One Confidential and Secretarial Assistant to the Deputy Director.

(3) [Reserved]

(4) One Staff Assistant.

(5) One Confidential Secretary and Assistant to the Director, Energy Policy Staff.

(d) *Office of the Special Representative for Trade Negotiations.* (1) One Confidential Assistant to the Deputy Special Representative.

§ 213.3304 Department of State.

(a) *Office of the Secretary.* (1) Five Special Assistants.

(2) and (3) [Reserved]

(4) Two confidential Assistants and four Private Secretaries to the Secretary.

(5) Four Special Assistants to the Under Secretary.

(6) One Special Assistant (Fisheries) to the Under Secretary.

(7) Three Confidential Assistants and one Private Secretary to the Under Secretary.

(8) Two Staff Assistants.

(9)–(15) [Reserved]

(16) One Personal Assistant and one Private Secretary to the Under Secretary for Economic Affairs.

(17) [Reserved]

(18) One Special Assistant and one Staff Assistant to the Under Secretary for Economic Affairs.

(19) One Assistant Director, Food for Peace, Office of the Under Secretary.

(20) One Personal Assistant and one Special Assistant to the Ambassador-at-Large.

(21) One Special Assistant to the Secretary (Food-for-Peace Program).

(22) One Executive Assistant, Office of the Special Assistant to the Secretary (Food-for-Peace Program).

(b) *Bureau of Security and Consular Affairs.* (1) Deputy Administrator.

(2) Administrator.

(3) Deputy Administrator for Refugee Relief.

(4) One Private Secretary to the Administrator.

(5) Deputy Administrator.

(c) *Office of the Assistant Secretary for Congressional Relations.* (1) [Reserved]

(2) Deputy Assistant Secretary.

(3) Congressional Liaison Officer (Senate).

(4) One Confidential Assistant to the Assistant Secretary.

(5) One Staff Assistant.

(6) Four Legislative Management Officers.

(7) Two Legislative Officers.

(8) [Reserved]

(9) One Personal Assistant to the Assistant Secretary.

(d) *Office of the Assistant Secretary for Public Affairs.* (1) One Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) One Special Assistant to the Assistant Secretary.

(4) Director of the Office of News.

(5)–(6) [Reserved]

(7) One Deputy Assistant Secretary (Policy Plans and Guidance).

(e) *Bureau of Economic Affairs.* (1) One Deputy Assistant Secretary (International Finance and Development), one Deputy Assistant Secretary (International Trade), and one Deputy Assistant Secretary (International Resources).

(2) One Private Secretary to the Assistant Secretary.

(f) *Bureau of Intelligence and Research.* (1) One Private Secretary.

(2) Director of Intelligence and Research.

(3) Deputy Director of Intelligence and Research.

(4) One Staff Assistant.

(g) *Bureau of Near Eastern and South Asian Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) One Deputy Assistant Secretary.

(h) *Bureau of International Organization Affairs.* (1) Two Deputy Assistant Secretaries.

(2) One Private Secretary to the Assistant Secretary.

(3) One Special Assistant to the Assistant Secretary.

(4) One Special Assistant to the Assistant Secretary (Public Affairs).

(i) *Bureau of European Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) Deputy Assistant Secretary (German and NATO Affairs).

(j) *Bureau of East Asian and Pacific Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) Deputy Assistant Secretary for East Asian and Pacific Economic Affairs.

(4) [Reserved]

(5) One Special Assistant to the Assistant Secretary.

(6) One Staff Assistant.

(k) *Bureau of Inter-American Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) [Reserved]

(4) One Special Assistant to the Assistant Secretary (Public Affairs).

(5) One Deputy Assistant Secretary for Inter-American Economic Affairs.

(6) Deputy Assistant Secretary (Social Development).

(7) Two Secretaries and Personal Assistants to the U.S. Representative to the Council of the Organization of American States.

(l) *Office of the Legal Adviser.* (1) One Deputy Legal Adviser.

(2) One Private Secretary to the Legal Adviser.

(m) *Executive Secretariat.* (1) [Reserved]

(2) Two Deputy Executive Secretaries.

(n) *Policy Planning Council.* (1) [Reserved]

(2) The Executive Secretary.

(3) Ten Members.

(4) and (5) [Reserved]

(6) One Staff Assistant.

(7) [Reserved]

(8) One Secretary and Personal Assistant to the Chairman.

(o) *Office of the Assistant Secretary for Administration.* (1) Deputy Assistant Secretary for Personnel.

(2) One Confidential Assistant to the Assistant Secretary.

(3) One Private Secretary to the Assistant Secretary for Administration.

(p) *Office of the Deputy Under Secretary for Administration.* (1) One Confidential Assistant to the Deputy Under Secretary.

(2) Chief, Special Liaison Staff.

(3) [Reserved]

(4) Three Special Liaison Assistants, Special Liaison Staff.

(5) The Deputy Assistant Secretary for Security.

(6) Two Special Assistants to the Deputy Under Secretary.

(7) Director, Office for Special Representational Services.

(8) Deputy Assistant Secretary for Community Advisory Services.

(9) The Chief of Protocol.

(10) Two Staff Assistants and one Private Secretary to the Chief of Protocol.

(q) *Office of the Deputy Under Secretary for Political Affairs.* (1) One Special Assistant to the Deputy Under Secretary.

(2) One Confidential Assistant to the Deputy Under Secretary.

(3) One Deputy Assistant Secretary for Political-Military Affairs.

(4) One Special Assistant to the Secretary and Coordinator of International Labor Affairs.

(r) *Bureau of African Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) One Deputy Assistant Secretary for African Economic Affairs.

(4) One Special Assistant to the Assistant Secretary.

(5) One Staff Assistant to the Assistant Secretary.

(s) *Bureau of Educational and Cultural Affairs.* (1) One Private Secretary to the Assistant Secretary for Educational and Cultural Affairs.

(2) One Special Assistant.

(3) One Deputy Assistant Secretary.

(4) One Deputy Assistant Secretary for Plans.

(t) *Office of the Inspector General, Foreign Assistance.* (1) One Private Secretary to the Inspector General, Foreign Assistance.

(2) One Private Secretary to the Deputy Inspector General, Foreign Assistance.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* (1) One Special Assistant to the Secretary.

(2)–(7) [Reserved]

(8) Assistant to the Secretary (National Security Affairs).

(9) Deputy Assistant Secretary (International Affairs).

(10) One Public Affairs Specialist.

(11)–(12) [Reserved]

(13) One Deputy Under Secretary for Monetary Affairs.

(14)–(15) [Reserved]

(16) One Staff Assistant to the Assistant to the Secretary (National Security Affairs).

(17) One Deputy Director, Office of Financial Analysis.

(18) [Reserved]

(19) One Special Assistant to the Secretary (for Enforcement).

(20) One Private Secretary to the Special Assistant to the Secretary (for Enforcement).

(21) Two Liaison Officers in the Office of the Special Assistant to the Secretary (for Enforcement).

(22)–(24) [Reserved]

(25) One Deputy Assistant to the Secretary (Debt Management).

(26) One Confidential Assistant to the Assistant to the Secretary (Public Affairs).

(27) One Congressional Liaison Officer.

(28) One Staff Assistant to the Under Secretary (Liaison Officer).

(29) One Deputy Assistant to the Secretary (National Security Affairs).

(30) One Staff Assistant to the Assistant to the Secretary (Congressional Relations).

(31) One Executive Assistant to the Special Assistant to the Secretary (for Enforcement).

(32) Deputy Special Assistant to the Secretary (for Enforcement).

(b) [Reserved]

(c) *Bureau of Customs.* (1) Commissioner of Customs.

(d) *U.S. Savings Bonds Division.* (1) [Reserved]

(2) One Staff Assistant to the National Director.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* (1) One Special Assistant and two Private Secretaries to the Secretary of Defense.

(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: the Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the Deputy Directors of Defense Research and Engineering (Tactical Warfare Programs), (Strategic and Space Systems), (Chemistry and Materials), (Electronics and Information Systems); the Director, Advanced Research Projects Agency; the Assistant Secretaries of Defense (Manpower), (International Security Affairs), (Public Affairs), (Installations and Logistics), (Administration), (Comptroller), and (Systems Analysis); the General Counsel; the Deputy General Counsel; the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.

(3) Three Chauffeurs for the Secretary of Defense.

(4) [Reserved]

(5) Two Confidential Assistants to the Assistant Secretary of Defense (International Security Affairs).

(6) The Defense Adviser to USRO in Paris, France.

(7) Two Private Secretaries to the Defense Adviser to USRO in Paris, France.

(8)–(9) [Reserved]

(10) One Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(11) One Assistant to the Secretary of Defense (Legislative Affairs).

(12) One Private Secretary to the Assistant to the Secretary of Defense (Legislative Affairs).

(13) One Special Assistant to the Assistant to the Secretary of Defense (Legislative Affairs).

(14) One Personal Secretary to the Deputy Secretary of Defense.

(15) One Private Secretary to the Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(16) Three Private Secretaries to the Special Assistant to the Secretary of Defense.

(17)–(21) [Reserved]

(22) One Confidential Assistant to the Special Assistant to the Secretary of Defense.

(23)–(25) [Reserved]

(26) One Congressional Liaison Officer (Civil Defense), Office of the As-

sistant to the Secretary of Defense (Legislative Affairs).

(27) [Reserved]

(28) One Staff Assistant to the Special Assistant to the Secretary of Defense.

(29) One Staff Assistant to the Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).

(30) One Private Secretary to the Chairman, Joint Chiefs of Staff.

(31) [Reserved]

(32) One Confidential Assistant to the Assistant Secretary of Defense (Installations and Logistics).

(33)–(34) [Reserved]

(35) One Staff Assistant to the Deputy Assistant Secretary (Civil Rights and Industrial Relations).

(36) One Private Secretary to the Deputy Assistant Secretary (Civil Rights and Industrial Relations).

(37) [Reserved]

(38) One Private Secretary to the Director for Equal Employment Opportunity.

(39) One Staff Assistant to the Director for Equal Employment Opportunity.

(40) [Reserved]

(41) One Deputy Assistant Secretary (Near East, South Asia Affairs and MAP Policy Review), Office of the Assistant Secretary of Defense for International Security Affairs.

(42) [Reserved]

(43) Five Deputy Directors of Defense Research and Engineering and the Director, Advanced Research Projects Agency.

(44)–(45) [Reserved]

(46) One Private Secretary to the Deputy Assistant Secretary (Operations), Office of the Assistant Secretary of Defense (Public Affairs).

(47) [Reserved]

(48) One Principal Deputy Director of Defense Research and Engineering.

(49) One Private Secretary to the Deputy Assistant Secretary for Education and Manpower Resources, Office of the Assistant Secretary of Defense (Manpower).

(50) One Secretary to the Deputy Assistant Secretary of Defense (Manpower Planning and Research).

(51) One Private Secretary to the Deputy Assistant Secretary (Policy Planning and Far Eastern Affairs).

(52) Principal Deputy Assistant Secretary of Defense (Comptroller).

(b) *Court of Military Appeals.* (1) One Private Secretary and one Technical Assistant to each Judge of the Court.

(c) *Interdepartmental Programs.* (1) Two Personal Secretaries and Confidential Assistants to the Military Representatives of the President.

(2) Six Private Secretaries engaged in the interdepartmental activities of the Office of the Secretary of Defense.

(3) Two Staff Assistants.

(d) *Defense Supply Agency.* (1) One Confidential Assistant (Economic Utilization Policy) to the Director, Defense Supply Agency.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* (1) One Private Secretary or Confidential Assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.

(2) [Reserved]

(3) The General Counsel.

(4)–(7) [Reserved]

(8) One Confidential Assistant to the Deputy Under Secretary of the Army—International Affairs.

(9)–(12) [Reserved]

(13) The Director of Civil Defense.

(b) *General.* (1) [Reserved]

(2) One Administrative Assistant and four Private Secretaries to the Military Aide to the President.

§ 213.3308 Department of the Navy.

(a) *Office of the Secretary.* (1) One Civilian Aide or Executive Assistant to the Secretary.

(2) Two Private or Confidential Secretaries to the Secretary and one to the Under Secretary and to each Assistant Secretary of the Navy.

(3) One Chauffeur for the Secretary of the Navy.

(4) One Confidential Secretary to the Civilian Aide to the Secretary of the Navy.

(5) One Private Secretary to the Naval Aide to the President.

(6) [Reserved]

(7) Four Civilian Aides or Executive Assistants to the Assistant Secretary (Installations and Logistics).

(8) Two Civilian Aides or Executive Assistants each to the Assistant Secretary (Research and Development) and the Assistant Secretary (Financial Management).

(9) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Navy (Installations and Logistics).

§ 213.3309 Department of the Air Force.

(a) *Office of the Secretary.* (1) One Special Assistant to the Secretary, and one Special Assistant to the Under Secretary, and to each Assistant Secretary of the Air Force.

(2) Six Private Secretaries. (For employment of Private Secretaries to Officials in the Office of the Secretary who are appointed by the President or are appointed under subparagraph (1) of this paragraph, and of one Private Secretary engaged in the interdepartmental activities of the Department.)

(3) The General Counsel.

(4)–(5) [Reserved]

(6) One Private Secretary to the General Counsel.

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* (1)–(2) [Reserved]

(3) Three Private Secretaries to the Attorney General.

(4) One Chauffeur for the Attorney General.

(5) One Special Assistant for Public Relations.

(6) One Confidential Assistant to the Attorney General.

(7) Two Secretaries for the Attorney General.

(8) Two Receptionists for the Attorney General.

(9) One Confidential Assistant to the Attorney General.

(b) *Office of the Deputy Attorney General.* (1) Two Confidential Assistants (Private Secretaries) to the Deputy Attorney General.

(2)–(6) [Reserved]

(7) One Confidential Secretary to the Assistant Deputy Attorney General for Legal Administration.

(8) One Confidential Secretary to the Assistant Deputy Attorney General for Litigation.

(c) *Office of the Solicitor General.* (1)–(2) [Reserved]

(3) One Confidential Assistant (Private Secretary) to the Solicitor General.

(d) *Anti-Trust Division.* (1) [Reserved]

(2) Chief, General Litigation Section.

(3)–(7) [Reserved]

(8) Chief, Field Office (four positions).

(9) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(e) *Civil Division.* (1)–(9) [Reserved]

(10) Chief, Admiralty and Shipping Section, New York.

(11) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(12)–(13) [Reserved]

(14) One Private Secretary (interdepartmental activities).

(f) *Criminal Division.* (1)–(6) [Reserved]

(7) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(g) *Tax Division.* (1)–(4) [Reserved]

(5) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(h) *Land and Natural Resources Division.* (1)–(3) [Reserved]

(4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(5)–(6) [Reserved]

(7) Chief, General Litigation Section.

(i) [Reserved]

(j) *Immigration and Naturalization Service.* (1) [Reserved]

(2) One Confidential Assistant (Private Secretary) to the Commissioner.

(k) *Board of Immigration Appeals* (1) Executive Assistant.

(2) [Reserved]

(3) Four Members of the Board.

(l) *Office of Legal Counsel.* (1) One Confidential Assistant (Private Secretary) to the Attorney General.

(m) *Bureau of Prisons.* (1) The Director.

(n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.

(o) *Office of U.S. Attorney.* (1) Secretary and Confidential Assistant to the U.S. Attorney (10 positions).

(p) *Internal Security Division.* (1)–(3) [Reserved]

(4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(5) [Reserved]
(6) Chief, Civil Section.
(7) Chief, Foreign Agents Registration section.
(8) Chief, Criminal Section.
(q) *Civil Rights Division.* (1)–(2) [Reserved]
(3) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(r) *Community Relations Service.* (1)–(7) [Reserved]
(8) Two Private Secretaries to the Director.
(9) One Private Secretary to the Deputy Director.
(10) One Private Secretary to the Associate Director for Conciliation and Field Services.
(11) [Reserved]
(12) One Private Secretary to the Special Assistant to the Director.

§ 213.3311 Post Office Department.

(a) *Office of the Postmaster General.* (1) [Reserved]
(2) Four Special Assistants to the Postmaster General.
(3) One Receptionist.
(4) Four Assistants to the Executive Assistant to the Postmaster General.
(5) Two Confidential Assistants to the Postmaster General.
(6) Two Secretaries to the Executive Assistant to the Postmaster General.
(7) One Secretarial Assistant to the Postmaster General.
(8) One Confidential Administrative Assistant to the Postmaster General.
(9) One Private Secretary to each of the three Assistants to the Executive Assistant to the Postmaster General.
(10) One Administrative Assistant to the Executive Assistant to the Postmaster General.
(11) [Reserved]
(12) One Confidential Assistant to the Special Assistant to the Postmaster General (Information).
(13) One Private Secretary to the Special Assistant to the Postmaster General (Information).
(14)–(15) [Reserved]
(16) One Director of Community Programs.
(17) One Private Secretary to the Deputy Executive Assistant to the Postmaster General.
(18) One Special Assistant to the Director, Office of Regional Administration.
(19) One Director, Office of Research and Engineering.
(b) *Bureau of Facilities.* (1) One Confidential Assistant to the Assistant Postmaster General.
(2) One Private Secretary to the Assistant Postmaster General.
(3) [Reserved]
(4) One Private Secretary to the Deputy Assistant Postmaster General.
(5)–(6) [Reserved]
(7) One Private Secretary to the Executive Assistant to the Assistant Postmaster General.
(8) One Deputy Assistant Postmaster General.
(9) [Reserved]
(10) One Special Assistant to the Assistant Postmaster General (Financial Affairs).
(c) *Bureau of Transportation.* (1) One Special and Confidential Assistant to the Assistant Postmaster General.
(2) One Information Specialist.
(3) One Private Secretary to the Assistant Postmaster General.
(4) One Deputy Assistant Postmaster General.
(5) One Executive Assistant to the Assistant Postmaster General.
(d) *Bureau of Personnel.* (1) One Private Secretary to the Assistant Postmaster General.
(e) *Office of the General Counsel.* (1) Two Private Secretaries to the General Counsel.
(f) *Bureau of Operations.* (1) One Confidential Assistant to the Assistant Postmaster General.
(2) [Reserved]
(3) One Private Secretary to the Assistant Postmaster General.
(4) [Reserved]
(5) One Private Secretary to each of two Deputy Assistant Postmasters General.
(g) *Bureau of Finance.* (1) One Confidential Assistant to the Assistant Postmaster General.
(2) One Special Representative to the Assistant Postmaster General.
(3) One Private Secretary to the Assistant Postmaster General.
(h) *Office of the Deputy Postmaster General.* (1) [Reserved]
(2) One Confidential Administrative Assistant to the Deputy Postmaster General.
(3) Two Private Secretaries to the Deputy Postmaster General.
(4) One Private Secretary to the Executive Assistant to the Deputy Postmaster General.
(5) [Reserved]
(6) One Staff Assistant to the Deputy Postmaster General.
(7) One Special Assistant.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* (1) [Reserved]
(2) One Confidential Assistant and one Private Secretary to the Secretary.
(3) Three Special Assistants to the Secretary.
(4) Six Confidential Assistants (Field Representatives).
(5) Chauffeur for the Secretary.
(6)–(7) [Reserved]
(8) One Deputy Assistant Secretary (for Fish and Wildlife); and one Confidential Assistant (Administrative Assistant) to each of the four Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife.
(9) Director, Resources Program Staff.
(10) Assistant Director, Resources Program Staff.
(11) Planning Reports Review Coordinator, Resources Program Staff.
(12) One Confidential Assistant (Administrative Assistant) to the Director, Resources Program Staff.
(13) One Private Secretary to the Under Secretary.
(14)–(15) [Reserved]
(16) One Secretarial Attendant to the Secretary.
(17)–(22) [Reserved]
(23) One Staff Assistant to the Assistant Secretary for Public Land Management.
(24) One Assistant to the Secretary (International Affairs).
(25)–(26) [Reserved]
(27) One Special Assistant to the Secretary (Liaison-International Atomic Energy Agency).
(28) One Assistant and Science Adviser to the Secretary.
(29) [Reserved]
(30) One Confidential Assistant to the Assistant Secretary for Water Pollution Control.
(b) *Office of the Solicitor.* (1) One Confidential Assistant to the Solicitor.
(2) Two Special Assistants to the Solicitor.
(c) *U.S. Fish and Wildlife Service.* (1) One Special Assistant to the Commissioner of Fish and Wildlife.
(d) *Bureau of Mines.* (1) One Private Secretary to the Director.
(e) [Reserved]
(f) *Bureau of Reclamation.* (1) [Reserved]
(2) One Assistant Commissioner.
(g) *Southeastern Power Administration.* (1) [Reserved]
(2) One Private Secretary to the Administrator.
(h) *National Park Service.* (1) Director.
(2) One Private Secretary to the Director.
(3) One Assistant Director.
(i) *Bonneville Power Administration.* (1) Administrator.
(2) One Private Secretary to the Administrator.
(3) One Special Assistant to the Administrator.
(4) Two Assistants to the Administrator.
(j) *Bureau of Indian Affairs.* (1) Three Assistants to the Commissioner.
(2) One Private Secretary to the Commissioner.
(k) *Southwestern Power Administration.* (1) Administrator.
(2) Assistant Administrator.
(3) One Confidential Secretary, Office of the Administrator.
(l) *Office of Territories.* (1) [Reserved]
(2) One Confidential Assistant to the Director.
(3)–(4) [Reserved]
(5) One Secretary of American Samoa.
(6) One Chief Justice of American Samoa.
(7) [Reserved]
(8) One Private Secretary to the Governor of Virgin Islands.
(9) One Administrative Assistant to the Governor of Virgin Islands.
(10) [Reserved]
(11) One Confidential Assistant to the Governor of American Samoa.
(12) One Secretary to the Government Secretary of American Samoa.

(13) One Private Secretary to the Governor of Guam.
(14) One Secretary to the Government Secretary of Guam.
(15) Chief Justice of the Trust Territory.
(16) One Secretary to the High Commissioner of the Trust Territory.
(17) One Secretary to the Deputy High Commissioner of the Trust Territory.
(m) *Bureau of Outdoor Recreation.* (1) The Director.
(2) [Reserved]
(3) One Confidential Assistant to the Director.
(n) *Federal Water Pollution Control Administration.* (1) Commissioner.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* (1) One Administrative Assistant to the Secretary.
(2) One Assistant to the Secretary (States Relations).
(3)–(4) [Reserved]
(5) Four Confidential Assistants to the Secretary.
(6) One Private Secretary to the Secretary.
(7) Two Chauffeurs for the Secretary.
(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.
(9) One Confidential Assistant to the Assistant Secretary for Marketing and Consumers' Services.
(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.
(11) [Reserved]
(12) One Special Assistant to the Secretary.
(13–(19) [Reserved]
(20) One Confidential Assistant to the Assistant Secretary for Rural Development and Conservation.
(21) [Reserved]
(22) One Confidential Assistant to the Executive Assistant to the Secretary.
(b) *Rural Electrification Administration.* (1) One Private Secretary to the Administrator.
(2)–(3) [Reserved]
(4) Three Assistants to the Administrator.
(c) *Office of the Under Secretary.* (1) One Administrative Officer and Private Secretary to the Under Secretary.
(2) One Deputy Under Secretary.
(3) One Private Secretary to the Deputy Under Secretary.
(d) *Office of the General Counsel.* (1)–(2) [Reserved]
(3) One Private Secretary to the General Counsel.
(e) *Foreign Agricultural Service.* (1) [Reserved]
(2) The Administrator.
(f) *Farmers Home Administration.* (1)–(2) [Reserved]
(3) One Assistant to the Administrator.
(4) Two Confidential Assistants to the Administrator.
(5) One Private Secretary to the Administrator.
(g) *Federal Crop Insurance Corporation.* (1) The Manager.
(2) Members of the Board of Directors.
(3) One Private Secretary to the Manager.
(h) *Agricultural Stabilization and Conservation Service.* (1) Administrator.
(2)–(3) [Reserved]
(4) Four Confidential Assistants to the Administrator.
(5) One Private Secretary to the Administrator.
(i) *Commodity Credit Corporation.* (1) The President.
(2) The Executive Vice-President.
(3) The Secretary.
(j) *Federal Extension Service.* (1)–(2) [Reserved]
(3) One Private Secretary to the Administrator.
(k) *Soil Conservation Service.* (1) Administrator.
(2) [Reserved]
(3) One Confidential Assistant to the Administrator.
(4) One Private Secretary to the Administrator.
(l) [Reserved]
(m) *Consumer and Marketing Service.* (1) The Administrator.
(2) One Private Secretary to the Administrator.
(3) Two Confidential Assistants to the Administrator.
(n) *Agricultural Economics.* (1) The Director.
(2) One Confidential Assistant to the Director.
(3) One Private Secretary to the Director.
(4) One Staff Assistant to the Director.
(o) *Rural Community Development Service.* (1)–(2) [Reserved]
(3) One Private Secretary to the Administrator.
(4) One Private Secretary to the Deputy Administrator.
(p) *Science and Education.* (1) The Director.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* (1) Six Confidential Assistants to the Secretary.
(2) Three Private Secretaries to the Secretary.
(3) One Confidential Assistant and two Private Secretaries to the Under Secretary.
(4) One Confidential Assistant and one Private Secretary to the Under Secretary for Transportation.
(5) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Economic Affairs.
(6) One Confidential Assistant and one Private Secretary to the General Counsel.
(7) One Private Secretary to the Deputy Under Secretary for Transportation.
(8) [Reserved]
(9) One Private Secretary to the Deputy General Counsel.
(10) [Reserved]
(11) One Chauffeur for the Secretary.
(12) [Reserved]
(13) One Private Secretary to the Deputy Assistant Secretary for Economic Affairs.
(14) One Confidential Assistant to the Assistant Secretary for Administration.
(15) Two Congressional Liaison Officers.
(16)–(18) [Reserved]
(19) One Special Assistant to the Director, Office of Field Services.
(20) One Private Secretary to the Director, Office of Field Services.
(21) [Reserved]
(22) Deputy Director, Office of Emergency Transportation.
(23)–(25) [Reserved]
(26) One Special Assistant to the Secretary (Economic Affairs).
(27) and (28) [Reserved]
(29) One Confidential Assistant to the Under Secretary for Transportation.
(30) [Reserved]
(31) Deputy Assistant Secretary for Statistics and Economic Research, Office of the Assistant Secretary for Economic Affairs.
(32)–(35) [Reserved]
(36) One Private Secretary to the Assistant to the Under Secretary.
(37) [Reserved]
(38) One Deputy Under Secretary for Transportation.
(39) [Reserved]
(40) One Private Secretary to the Administrator, National Highway Safety Agency.
(b) [Reserved]
(c) *Business and Defense Services Administration.* (1) Administrator.
(2) Three Confidential Assistants to the Administrator.
(3) [Reserved]
(4) One Confidential Assistant to the Deputy Administrator.
(5) One Secretarial Assistant to the Administrator.
(6) and (7) [Reserved]
(8) One Confidential Secretary to the Administrator.
(d) *Bureau of Census.* (1) [Reserved]
(2) One personal assistant to the Director.
(e) [Reserved]
(f) *National Bureau of Standards.* (1) One Private Secretary to the Director.
(g) *Bureau of Public Roads.* (1) [Reserved]
(2) Four Special Assistants to the Federal Highway Administrator.
(3) One Private Secretary to the Federal Highway Administrator.
(4) One Private Secretary to the Solicitor.
(5) The Deputy Federal Highway Administrator.
(h) *Patent Office.* (1) Private Secretary to the Commissioner, and to each of the Assistant Commissioners.
(2) [Reserved]
(3) One Confidential Secretary to the Chairman of the President's Commission on the Patent System.
(i) [Reserved]
(j) *Maritime Administration.* (1) [Reserved]

(2) Two Confidential Assistants to the Administrator.

(3) One Private Secretary to the General Counsel.

(k) [Reserved]

(l) *U.S. Travel Service.* (1) One Confidential Assistant to the Director.

(2) [Reserved]

(3) One Private Secretary to the Deputy Director.

(m) *Office of the Assistant Secretary for Domestic and International Business.* (1) One Private Secretary and two Confidential Assistants to the Assistant Secretary for Domestic and International Business.

(2) [Reserved]

(3) One Private Secretary to the Deputy Assistant Secretary for Domestic Business Policy.

(4)–(5) [Reserved]

(6) One Private Secretary to the Deputy Assistant Secretary for Trade Policy.

(7) One Private Secretary to the Deputy Assistant Secretary for Financial Policy.

(8)–(9) [Reserved]

(10) One Private Secretary to the Director, Bureau of International Commerce.

(11) One Private Secretary to the Deputy Director, Bureau of International Commerce.

(n) *Office of the Assistant Secretary for Science and Technology.* (1) [Reserved]

(2) Two Special Assistants to the Assistant Secretary for Science and Technology.

(3) [Reserved]

(4) One Private Secretary to the Director, Office of State Technical Services.

(o) [Reserved]

(p) *Environmental Science Services Administration.* (1) One Private Secretary to the Administrator.

(2) One Private Secretary to the Deputy Administrator.

(q) *Office of the Assistant Secretary for Economic Development.* (1)–(8) [Reserved]

(9) One private secretary to the Assistant Secretary for Economic Development.

(10)–(16) [Reserved]

(17) One private secretary to the Program Coodinator.

(18)–(20) [Reserved]

(21) One Director, Office of Business Development, Economic Development Administration.

(22)–(25) [Reserved]

(26) One special assistant to the Deputy Assistant Secretary for Economic Development.

(27) [Reserved]

(28) One Assistant to the Deputy Assistant Secretary for Policy Coordination.

(29) [Reserved]

(30) One Executive Assistant to the Deputy Assistant Secretary for Economic Development Planning.

(31) [Reserved]

(32) One Special Assistant to the Deputy Assistant Secretary for Economic Development Operations.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* (1) Four Special Assistants, two Confidential Assistants, and one Confidential Assistant (Private Secretary) to the Secretary of Labor.

(2) One Chauffeur for the Secretary of Labor.

(3) One Special Assistant and one Private Secretary to the Under Secretary of Labor.

(4) One Private Secretary to each Assistant Secretary of Labor who is appointed by the President.

(5) One Private Secretary to the Secretary.

(6) Two Confidential Assistants to the Under Secretary of Labor.

(7) One Confidential Assistant to the Assistant Secretary.

(8) [Reserved]

(9) One Special Assistant to the Secretary.

(10) One Assistant to each Assistant Secretary of Labor appointed by the President.

(11) One Special Assistant to the Assistant Secretary for Labor-Management Relations.

(12) One Private Secretary to the Executive Assistant to the Secretary.

(13) One Confidential Assistant to the Assistant Secretary for International Labor Affairs.

(14) One Assistant to the Special Assistant to the Secretary, Office of Legislative Liaison.

(15) One Economic Adviser to the Secretary.

(16) [Reserved]

(17) The Manpower Administrator.

(18) The Labor-Management Services Administrator.

(19) [Reserved]

(20) One Private Secretary to the Economic Adviser to the Secretary.

(21) One Private Secretary to the Manpower Administrator.

(22) [Reserved]

(23) One Private Secretary to the Associate Manpower Administrator for Policy, Evaluation, and Research.

(24) [Reserved]

(25) One Confidential Assistant to the Assistant Secretary for Manpower.

(b) *Office of the Solicitor.* (1) One Private Secretary to the Solicitor.

(c) *Bureau of Employment Security.* (1) The Administrator.

(2) One Secretary (Stenography) in the Office of the Administrator.

(d) *Bureau of Labor Statistics.* (1) One Private Secretary to the Commissioner.

(e) *Bureau of Apprenticeship and Training.* (1) [Reserved]

(2) One Private Secretary to the Administrator.

(f) *Women's Bureau.* (1) One Private Secretary to the Director.

(2) Two Special Assistants to the Director.

(g) *Bureau of Labor Standards.* (1) [Reserved]

(2) One Private Secretary to the Director.

(3) One Confidential Assistant to the Director.

(h) *Wage and Hour and Public Contracts Divisions.* (1) [Reserved]

(2) One Confidential Assistant to the Administrator.

(i)–(j) [Reserved]

(k) *President's Committee on Migratory Labor.* (1) The Executive Director.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* (1) Director of Security.

(2) Two Confidential Assistants to the Secretary.

(3) Publications Writer.

(4) One Assistant to the Secretary.

(5) [Reserved]

(6) Two Confidential Secretaries to the Under Secretary.

(7) [Reserved]

(8) One Congressional Liaison Officer.

(9) One Assistant to the Congressional Liaison Officer.

(10) One Confidential Assistant to the Under Secretary.

(11) [Reserved]

(12) One Confidential Secretary to the Assistant to the Secretary authorized under subparagraph (7) of this paragraph.

(13) One Staff Assistant to the Secretary.

(14) One Confidential Secretary to each of the Assistants to the Secretary authorized under subparagraph (4) of this paragraph.

(15)–(20) [Reserved]

(21) Two Confidential Secretaries to the Special Assistant to the Secretary (for Mental Retardation Activities).

(22) [Reserved]

(23) One Assistant to the Secretary for Special Programs.

(24) [Reserved]

(25) One Confidential Assistant to the Special Assistant to the Secretary (for Mental Retardation Activities).

(26)–(29) [Reserved]

(30) Two Confidential Assistants to the Special Assistant to the Secretary (for Civil Rights).

(31) One Confidential Secretary to the Special Assistant to the Secretary (for Civil Rights).

(b) *Vocational Rehabilitation Administration.* (1) Commissioner of Vocational Rehabilitation.

(c) *Office of Education.* (1) One Special Assistant to the Commissioner of Education.

(2) One Assistant to the Commissioner (Public Affairs).

(3) [Reserved]

(4) One Assistant to the Deputy Commissioner.

(5) One Staff Assistant to the Deputy Commissioner.

(6) One Confidential Secretary to the Deputy Commissioner.

(d) *Office of the Assistant Secretary for Federal-State Relations.* [Reserved]

(e) [Reserved]

(f) *Office of the Assistant Secretary for Legislation.* (1) Four Special Assistants to the Assistant Secretary.

(2)–(3) [Reserved]

(4) One Confidential Secretary to the Deputy Assistant Secretary for Legislation.

(5) [Reserved]

(6) One Deputy Assistant Secretary for Legislative Services.

(7) Two Confidential Secretaries to the Assistant Secretary.

(g) *Welfare Administration.* (1) The Commissioner.

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* (1) Two Confidential Secretaries to the Assistant Secretary for Health and Scientific Affairs.

(2) [Reserved]

(3) One Confidential Secretary to the Deputy Assistant Secretary for Health and Scientific Affairs.

(4) One Confidential Assistant to the Assistant Secretary for Health and Scientific Affairs.

(i) *Administration on Aging.* (1) [Reserved]

(2) Two Confidential Secretaries to the Commissioner on Aging.

(j) *Office of the Assistant Secretary for Education.* (1)–(5) [Reserved]

(6) One Deputy Assistant to the Assistant Secretary for Education (Educational Television).

(7) Two Confidential Secretaries to the Assistant Secretary.

(k) *Office of the Assistant Secretary for Program Coordination.* (1) Two Confidential Secretaries to the Assistant Secretary.

(l) *Social Security Administration,* (1) One Deputy Commissioner.

(2) One Confidential Assistant to the Commissioner.

(m) [Reserved]

(n) *Office of the Assistant Secretary for Individual and Family Services.* (1) Two Confidential Secretaries to the Assistant Secretary for Individual and Family Services.

(o) *Social and Rehabilitation Service.* (1)–(3) [Reserved]

(4) Administrator, Social and Rehabilitation Service.

§ 213.3322 Interstate Commerce Commission.

(a) One Confidential Assistant to each Commissioner.

(b)–(c) [Reserved]

(d) One Confidential Assistant to the Managing Director.

§ 213.3325 The Tax Court of the United States.

(a) One Private Secretary and two Technical Assistants for each Judge and one Technical Assistant for the Chief Judge.

§ 213.3326 Office of Emergency Planning.

(a) *Office of the Director.* (1) Two Administrative Assistants to the Director.

(2) One Courier.

(3) Two Special Assistants to the Director.

(4) Legal Adviser.

(5) [Reserved]

(6) Director of Information.

(b) *Office of the Deputy Director.* (1) One Confidential Administrative Assistant to the Deputy Director.

(2) One Secretary to the Deputy Director.

(c) *Office of the Assistant Director for Telecommunications Management.* (1) One Confidential Administrative Assistant to the Assistant Director.

(d) *Office of the Assistant Director.* (1) One Confidential Administrative Assistant to the Assistant Director.

(2) One Special Assisant to the Assistant Director.

(e) *Office of the Assistant Director.* (1) One Confidential Administrative Assistant to the Assistant Director.

(f) *Office of Liaison and Public Affairs.* (1) The Director.

(g) and (h) [Reserved]

(i) *Program Development Office.* (1) The Director.

(j) *Government Readiness Office.* (1) The Director.

(2) Coordinator, National Defense Executive Reserve.

(k) [Reserved]

(l) *Resource Readiness Office.* (1) The Director.

(m) [Reserved]

(n) *Program Evaluation Office.* (1) The Director.

(o) *National Resource Analysis Center.* (1) Director.

§ 213.3327 Veterans Administration.

(a) *Office of the Administrator.* (1) [Reserved]

(2) Two Confidential Assistants to the Special Assistant to the Administrator.

(3) The Deputy Administrator.

(4) The General Counsel.

(5) The Associate Deputy Administrator.

(6)–(7) [Reserved]

(8) One Confidential Assistant to the Associate Deputy Administrator.

(b) *Department of Veterans Benefits.* (1) The Chief Benefits Director.

§ 213.3328 U.S. Information Agency.

(a) One Secretarial Assistant to the Deputy Director.

(b) [Reserved]

(c) One Secretarial Assistant to the Director.

(d) One Secretary to the Director.

(e) One Special Assistant to the Deputy Director.

(f) One Special Assistant to the Director.

§ 213.3329 Federal Power Commission.

(a) Three Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, and one Private Secretary, and one Confidential Assistant to each other Commissioner.

(b) One Assistant to the Chairman.

(c)–(d) [Reserved]

(e) Two Private Secretaries to the Executive Director.

(f) Two Technical Assistants to each Commissioner.

(g)–(h) [Reserved]

(i) The Assistant Executive Director.

§ 213.3330 Securities and Exchange Commission.

(a)–(c) [Reserved]

(d) One Confidential Assistant to each Member of the Commission (five positions).

§ 213.3331 National Mediation Board.

(a) One Private Secretary to each Member of the National Railroad Adjustment Board.

(b) One Private Secretary to each Member of the Third Division Regional Supplemental Railroad Adjustment Board (10 positions).

(c) One Private Secretary to each member of the First Division, Firemen's Supplemental Adjustment Board, National Railroad Adjustment Board.

§ 213.3332 Small Business Administration.

(a) One Deputy Administrator, the Associate Administrator for Investment, the Associate Administrator for Financial Assistance, and the Associate Administrator for Procurement and Management Assistance.

(b)–(d) [Reserved]

(e) and (f) [Reserved]

(g) [Reserved]

(h) Two Special Assistants to the Administrator.

(i) Two Private Secretaries to the Administrator.

(j)–(w) [Reserved]

(x) Special Assistant for Equal Employment Opportunity.

(y)–(gg) [Reserved]

(hh) Three Congressional Relations Officers.

(ii) Director, Office of Congressional Relations.

(jj) One Special Assistant to the Administrator for Advisory Councils.

(kk) One Special Assistant to the Associate Administrator for Investment.

§ 213.3333 Federal Deposit Insurance Corporation.

(a) One Assistant to each member of the Board of Directors.

(b) One Confidential Assistant to the Board of Directors.

(c) General Counsel.

(d) One Special Assistant to the Chairman.

(e) Executive Assistant and Controller.

(f) [Reserved]

(g) Assistant to the Board of Directors.

(h) One Managerial Aide to the Director (Appointive).

(i) One Special Assistant to the Director (Appointive).

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* (1) Six Members of the Board of Contract Appeals.

(2) The Deputy Administrator.

(3) One Special Assistant to the Administrator.

(4) [Reserved]

(5) The Assistant Administrator.

(6) Two Confidential Assistants to the Assistant Administrator.

(7)–(8) [Reserved]

(9) One Confidential Assistant to the Deputy Administrator.

(10) [Reserved]

(b) *Public Buildings Service.* (1) The Commissioner.

(c) *Federal Supply Service.* (1) The Commissioner.

(d) *National Archives and Records Service.* (1) The Archivist of the United States.

(e)–(g) [Reserved]

(h) *Property Management and Disposal Service.* (1) Commissioner.

(i) *National Advisory Council on Economic Opportunity.* (1) One Special Assistant to the Chairman.

§ 213.3339 U.S. Tariff Commission.

(a) One Private Secretary to each Commissioner.

§ 213.3340 Civil Aeronautics Board.

(a)–(f) [Reserved]

(g) One Administrative Assistant to each Member of the Board.

(h) One Secretary to each Member of the Board.

§ 213.3341 National Labor Relations Board.

(a) One Private Secretary to the Chairman of the Board.

(b)–(c) [Reserved]

(d) One Confidential Assistant to each Board Member.

(e)–(f) [Reserved]

(g) Two Special Assistants to the General Counsel.

(h) One Confidential Assistant to the General Counsel.

§ 213.3342 Export-Import Bank of Washington.

(a) [Reserved]

(b) One Confidential Assistant to the President.

(c) One Private Secretary to the First Vice-President.

(d) [Reserved]

(e) One Private Secretary to each of the three members of the Board of Directors.

(f)–(h) [Reserved]

(i) One Special Assistant to the President and Chairman.

§ 213.3343 Farm Credit Administration.

(a) Three Directors of Credit Services.

(b)–(c) [Reserved]

(d) One Deputy Director of Credit Service.

§ 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1)–(10) [Reserved]

(11) One Confidential Assistant to the Commissioner, Urban Renewal Administration.

(12)–(17) [Reserved]

(18) One Private Secretary to the Assistant Administrator (Community Programs).

(19) Deputy Assistant Administrator (Housing for Senior Citizens).

(20)–(22) [Reserved]

(23) One Executive Assistant to the Commissioner, Urban Renewal Administration.

(24)–(39) [Reserved]

(40) One Secretary and Confidential Assistant to the Assistant Administrator (Metropolitan Development).

(41) One Special Assistant to the Commissioner, Urban Renewal Administration.

(b) [Reserved]

(c) *Public Housing Administration.* (1) One Special Assistant to the Commissioner (Liaison).

(2) and (7) [Reserved]

(8) One Assistant Commissioner for Program Planning.

§ 213.3345 Indian Claims Commission.

(a) One Private Secretary to each Commissioner.

§ 213.3348 National Aeronautics and Space Administration.

(a) One Secretary to the Administrator.

(b) One Secretary to the Deputy Administrator.

(c) [Reserved]

(d) One Secretary to each of the following: The Associate Administrator for Manned Space Flight, the Associate Administrator for Advanced Research and Technology, and the Associate Administrator for Space Science and Applications.

(e) and (f) [Reserved]

(g) Associate Administrator.

(h) Associate Administrator for Advanced Research and Technology.

(i) Associate Administrator for Space Science and Applications.

(j) Associate Administrator for Manned Space Flight.

(k) Associate Deputy Administrator.

(l) Deputy Associate Administrator.

(m) General Counsel.

(n) [Reserved]

(o) One Special Assistant to the Director, Office of Manned Space Flight Field Center Development.

(p) One Staff Assistant to the Administrator.

(q) One Secretary to the Associate Administrator.

§ 213.3350 Foreign Claims Settlement Commission of the United States.

(a) Special Assistant to the Commissioners.

(b) One Confidential Assistant to the Chairman.

(c) One Private Secretary to the Chairman and to each of the other two Commissioners.

§ 213.3351 Subversive Activities Control Board.

(a) One Executive Secretary and Chief Clerk.

(b) One Private Secretary to each Member of the Board.

(c) One Confidential Administrative Assistant to each Member of the Board.

§ 213.3352 St. Lawrence Seaway Development Corporation.

(a) One Private Secretary to the Administrator.

(b) One Special Assistant to the Administrator.

§ 213.3354 Federal Home Loan Bank Board.

(a)–(d) [Reserved]

(e) Two Secretaries to the Chairman of the Board.

(f) Two Secretaries to Board Members.

(g)–(l) [Reserved]

(m) One Assistant to each of three Board Members (including the Chairman).

(n) One Private Secretary to the Assistant to each of three Board Members (including the Chairman).

§ 213.3355 The Renegotiation Board.

(a) One Special Assistant to the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.

(b) One Secretary to the Chairman.

(c) One Secretary to each of the four Board Members.

§ 213.3356 Commission on Civil Rights.

(a)–(b) [Reserved]

(c) One Confidential Secretary to the Staff Director.

(d) One Program Assistant (Special Assistant to the Staff Director).

(e)–(f) [Reserved]

(g) One Special Assistant to the Staff Director.

§ 213.3357 Federal Aviation Agency.

(a) One Assistant to the Chief, Congressional Relations Division.

(b)–(c) [Reserved]

(d) One Private Secretary to the Administrator.

(e)–(i) [Reserved]

(j) Assistant Administrator for Congressional Liaison.

(k) One Congressional Liaison Specialist.

§ 213.3364 U.S. Arms Control and Disarmament Agency.

(a) One Private Secretary to the Director.

(b) One Private Secretary to the Deputy Director.

(c) One Private Secretary to each Assistant Director appointed by the President (four positions).

(d) One Public Affairs Adviser.

(e)–(f) [Reserved]

(g) The General Counsel.

(h) One Private Secretary to the General Counsel.

§ 213.3367 Federal Maritime Commission.

(a) One Confidential Assistant to each Commissioner.

(b)–(c) [Reserved]

(d) One Private Secretary to the Chairman, one Private Secretary to each Commissioner, one Private Secretary to the General Counsel, and one Private Secretary to the Managing Director.

§ 213.3368 Agency for International Development.

(a) *Office of the Administrator.* (1) Three Special Assistants to the Administrator.

(2) One Confidential Assistant (Private Secretary) to the Administrator.

(3) One Chauffeur for the Administrator.

(4) One Private Secretary to each of the two Deputy Administrators.

(b) *Office of the Director, Congressional Liaison Staff.* (1) One Staff Assistant to the Director.

(2) One Private Secretary to the Director.

(3) Four Congressional Liaison Officers.
(4) One Staff Assistant (Congressional Liaison).
(c) *Office of the General Counsel.* (1) One Private Secretary to the General Counsel.
(2) The General Counsel.
(d) *Office of the Assistant Administrator for Development Finance and Private Enterprise.* (1) One Special Assistant (Confidential) to the Assistant Administrator.

§ 213.3371 President's Committee on Consumer Interests.

(a) One Confidential Assistant.
(b) The Executive Director.
(c) One Congressional Liaison Specialist.
(d) One Public Affairs Officer.

§ 213.3372 Administrative Office of the U.S. Courts.

(a) One Assistant Director.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* (1) One Executive Secretary.
(2)–(6) [Reserved]
(7) One Assistant Director for Research, Plans, Programs, and Evaluation.
(8) [Reserved]
(9) Executive Adviser (Programs).
(10) Special Assistant to the Deputy Director.
(11) One Confidential Assistant to the Director.
(12) One Confidential Secretary and one Private Secretary to the Director.
(13) [Reserved]
(14) Deputy Assistant Director for Congressional Relations.
(b) *Community Action Program.* (1) One Associate Director for Program Planning.

§ 213.3374 Smithsonian Institution.

(a) One Confidential Executive Assistant to the Secretary.

§ 213.3376 Appalachian Regional Commission.

(a) One Special Assistant to the Federal Cochairman and one Special Assistant to his Alternate.
(b) One Private Secretary to the Federal Cochairman and one Private Secretary to his Alternate.

§ 213.3377 Equal Employment Opportunity Commission.

(a) Two Special Assistants to the Chairman.
(b)–(c) [Reserved]
(d) One Special Assistant and one Secretary to each Member of the Commission.
(e) Two Secretaries to the Chairman.
(f) One Secretary to the Special Assistant to the Chairman.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* (1) One Deputy Under Secretary for Policy Analysis and Program Evaluation.
(2) Two positions of Confidential Assistant and Private Secretary to the Secretary.
(3) One Private Secretary to the Under Secretary.
(4)–(5) [Reserved]
(6) One Assistant to the Under Secretary.
(7) One Private Secretary to the Deputy Under Secretary for Policy Analysis and Program Evaluation.
(8) One Private Secretary to the General Counsel.
(9) One Executive Secretary.
(10) [Reserved]
(11) One Administrative Assistant to the Secretary.
(12) President, Federal National Mortgage Association.
(13) Two Special Assistants to the Under Secretary.
(14) Three Congressional Liaison Assistants.
(15) One Secretary to the Assistant for Congressional Services.
(16) One Special Assistant to the Under Secretary.
(17) Two Special Assistants to the Secretary.
(18)–(22) [Reserved]
(23) One Special Assistant to the Director of Public Affairs.
(24) [Reserved]
(25) One Deputy Director, Division of International Affairs.
(b) *Office of the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.* (1) One Private Secretary to the Assistant Secretary.
(2) [Reserved]
(3) One Director, Congressional Liaison.
(4)–(8) [Reserved]
(9) Deputy Assistant Secretary for Mortgage Credit.
(10)–(11) [Reserved]
(12) One Assistant to the Commissioner (Special Projects).
(13) One Assistant to the Commissioner (Intergroup Relations).
(14) One Assistant to the Commissioner.
(15) One Confidential Assistant to the Assistant Commissioner for Programs.
(16) One Special Assistant for Home Improvement Plans and Mortgage Servicing.
(17) One Special Assistant for Elderly Housing.
(18) One Special Assistant for Nursing Homes.
(c) *Office of the Assistant Secretary for Renewal and Housing Assistance.* (1) One private Secretary to the Assistant Secretary.
(2) [Reserved]
(3) One Deputy Assistant Secretary, Renewal Projects Administration.
(4) [Reserved]
(5) One Deputy Assistant Secretary, Housing Assistance Administration.
(d) *Office of the Assistant Secretary for Metropolitan Development.* (1) One Private Secretary to the Assistant Secretary.
(2) One Staff Assistant for Metropolitan Development.
(3)–(5) [Reserved]
(6) One Special Assistant to the Assistant Secretary.
(7) One Assistant to the Assistant Secretary.
(8) Director, Urban Transportation Administration.
(9)–(10) [Reserved]
(11) One Special Assistant to the Assistant Secretary.
(12) One Private Secretary to the Director, Urban Transportation Administration.
(e) *Office of the Assistant Secretary for Demonstrations and Intergovernmental Relations.* (1) One Private Secretary to the Assistant Secretary.
(2) [Reserved]
(3) Two Special Assistants to the Assistant Secretary.
(4) Director, Demonstration Cities Administration.
(5)–(6) [Reserved]
(7) One Congressional Services Officer.

§ 213.3385 President's Council on Youth Opportunity.

(a) Executive Director.

§ 213.3386 Regional Commissions, Public Works and Economic Development Act of 1965.

(a) One Special Assistant to the Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.
(b) One Special Assistant to the Alternate Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.
(c) One Private Secretary to the Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.
(d) One Private Secretary to the Alternate Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965..

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* (1) [Reserved]
(2) One Deputy Under Secretary.
(3) [Reserved]
(4) One Special Assistant to the Secretary.
(5) One Confidential Secretary to the Secretary.
(6) One Special Assistant to the Assistant Secretary for International Affairs.
(7) Two Confidential Secretaries to the Assistant Secretary for Public Affairs.
(8) One Confidential Secretary to the General Counsel.
(b) *National Transportation Safety Board.* (1) One Administrative Assistant to each of the five Board members.
(2) One Confidential Secretary to each of the five Board members.
(c) [Reserved]
(d) *Federal Highway Administration.* (1) Deputy Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-15065; Filed, Dec. 28, 1967; 8:45 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Miscellaneous Amendments

Part 550 is amended to show the minimum and maximum annual rates for administratively uncontrollable overtime pursuant to 5 U.S.C. 5545(c)(2) as amended by section 217 of Public Law 90-206. Effective at the beginning of the first pay period which begins on or after December 16, 1967, §§ 550.151, 550.153 (b)(1), and 550.154 are amended as set out below.

§ 550.151 Authorization of premium pay on an annual basis.

An agency may pay premium pay on an annual basis, instead of other premium pay prescribed in this subpart except premium pay for regular overtime work, to an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular or occasional overtime work and work at night, on Sundays, and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty. Premium pay under this section is determined as an appropriate percentage, not less than 10 percent nor more than 25 percent of that part of the employee's rate of basic compensation which does not exceed the minimum rate of basic compensation for grade GS-10 of the Classification Act of 1949, as amended.

§ 550.153 Bases for determining positions for which premium pay under § 550.151 is authorized.

* * * * *

(b) In order to satisfactorily discharge the duties of a position referred to in section 550.151, an employee is required to perform "substantial amounts of irregular or occasional" overtime work and work at night, on Sundays, and on holidays. In regard to this requirement:

(1) A "substantial amount" of irregular or occasional overtime work means an average of at least 3 hours a week of that overtime work.

* * * * *

§ 550.154 Rates of premium pay payable under § 550.151.

(a) An agency may pay the premium pay on an annual basis referred to in § 550.151 to an employee who meets the requirements of that section, at one of the following percentages of that part of the employee's rate of basic compensation which does not exceed the minimum rate of basic compensation for grade GS-10 of the Classification Act of 1949, as amended:

(1) A position which requires an average of at least 3 but not more than 5 hours a week of irregular or occasional overtime work—10 percent;

(2) A position which requires an average of at least 5 but not more than 7 hours a week of irregular or occasional overtime work—15 percent;

(3) A position which requires an average of at least 7 but not more than 9 hours a week of irregular or occasional overtime work—20 percent;

(4) A position which requires an average of over 9 hours a week of irregular or occasional overtime work—25 percent.

(b) If an agency proposes to pay an employee premium pay on an annual basis under § 550.151 but unusual conditions seem to make the applicable rate in paragraph (a) of this section unsuitable, the agency may propose a rate of premium pay on an annual basis for the Commission's approval. The proposal shall include full information bearing on the frequency and duration of the irregular or occasional overtime work and the night and holiday, and Sunday work required; the nature of the work which prevents hours of duty from being controlled administratively; the necessity for the employee's being generally responsible for recognizing, without supervision, circumstances which require him to remain on duty; and any other pertinent conditions.

(5 U.S.C. 5548)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-15113; Filed, Dec. 28, 1967; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

CORRECTION

F.R. Document 67-14005, published at 32 F.R. 16385-16387, in the issue of Thursday, November 30, 1967, should be corrected by inserting the word "Acting" before the word "Administrator" in the title after the signature.

Dated: December 22, 1967.

[SEAL] R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 67-15102; Filed, Dec. 28, 1967; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

Miscellaneous Amendments

Notice is hereby given of the amendment of the Statement of Organization, Delegations, and General Information of the U.S. Atomic Energy Commission, 10 CFR Part 1, published in the FEDERAL REGISTER on December 29, 1961 (26 F.R. 12729-12745), as amended.

The present amendments add center headings, and revise existing headings as the result of assignment and reassignment of functions; revise and clarify statements of responsibilities of staff units; and reflect a change of name of a field office.

Because these amendments relate to matters of internal management, general notice of proposed rule making and public procedure thereon are unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Administrative Procedure Act of 1946, as amended, and 1 CFR 17.2, the following amendments of 10 CFR Part 1 are published as a document, subject to codification, to be effective upon publication in the FEDERAL REGISTER.

Part 1 of Chapter I of Title 10 of the Code of Federal Regulations is amended as follows:

1. The center heading preceding § 1.30 is revised to read as follows:

OFFICE OF THE GENERAL COUNSEL

2. A center heading is added preceding § 1.35 reading as follows:

DIVISION OF INSPECTION

3. Section 1.43 is amended as follows: Paragraph (a) is amended; paragraph (b) is revised. As amended § 1.43 reads as follows:

§ 1.43 Division of Military Application.

(a) The Division of Military Application is established by the Act. The Division of Military Application (1) directs the research, development, production, custody, storage, readiness assurance, and testing of atomic weapons; (2) assists in maintaining liaison between the Atomic Energy Commission and the Department of Defense; and (3) administers AEC activities under international agreements for cooperation involving atomic weapons.

(b) The Director, Division of Military Application, exercises contract authority as described in § 1.5(b) within the limits of the Division's programmatic responsibilities. Within the scope of his assigned functions, he determines (1) that exemptions of individual AEC prime contractors and subcontractors from AEC licensing requirements are authorized by law; and (2) that under the terms of a contract or subcontract there is adequate assurance that the work thereunder can be accomplished without undue risk to the health and safety of government and contractor personnel and the general public from the hazards associated with his assigned functions.

4. Section 1.50(c) is revised to read as follows:

§ 1.50 Office of the Assistant General Manager for Plans and Production.

* * * * *

(c) The Assistant General Manager for Plans and Production, within the scope of his assigned functions, determines (1) that exemptions of individual AEC prime contractors and subcontractors from AEC licensing requirements are authorized by law; and (2) that under

the terms of a contract or subcontract there is adequate assurance that the work thereunder can be accomplished without undue risk to the health and safety of government and contractor personnel and the general public from the hazards associated with his assigned functions.

5. Section 1.51(c) is revised to read as follows:

§ 1.51 Division of Production.

* * * * *

(c) The Director, Division of Production, within the scope of his assigned functions, is responsible for assuring that appropriate consideration is given to the protection of the health and safety of government and contractor personnel and of the general public from the hazards associated with his assigned functions.

6. Section 1.52(c) is revised to read as follows:

§ 1.52 Division of Raw Materials.

* * * * *

(c) The Director, Division of Raw Materials, exercises contract authority as described in § 1.5(b) with respect to the procurement of sources material and the operation of the Grand Junction Office, except that such authority is limited to $10 million under § 1.5(b)(1)(i). Within the scope of his assigned functions, he assures that appropriate consideration is given to the protection of the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

7. Section 1.60(f) is revised to read as follows:

§ 1.60 Office of the Assistant General Manager for Research and Development.

* * * * *

(f) Within the scope of his assigned functions, the Assistant General Manager for Research and Development determines (1) that exemptions of individual AEC prime contractors and subcontractors from AEC licensing requirements are authorized by law; and (2) that under the terms of a contract or subcontract there is adequate assurance that the work thereunder can be accomplished without undue risk to the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

8. Section 1.61 is amended by adding a new paragraph (d) reading as follows:

§ 1.61 Division of Research.

* * * * *

(d) Within the scope of his assigned functions, the Director, Division of Research, assures that appropriate consideration is given to the protection of the health and safety of the general public from the hazards associated with his assigned functions.

9. A center heading is added preceding § 1.66, reading as follows:

THE ASSISTANT GENERAL MANAGER FOR REACTORS

10. Section 1.66 is amended by adding a new paragraph (c) reading as follows:

§ 1.66 Office of the Assistant General Manager for Reactors.

* * * * *

(c) Within the scope of his assigned functions, the Assistant General Manager for Reactors determines (1) that exemptions of individual AEC prime contractors and subcontractors from AEC licensing requirements are authorized by law; and (2) that under the terms of a contract or subcontract there is adequate assurance that the work thereunder can be accomplished without undue risk to the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

11. A center heading is added, preceding § 1.67, reading as follows:

DIVISIONS REPORTING TO THE ASSISTANT GENERAL MANAGER FOR REACTORS

12. Section 1.67(b) is revised to read as follows:

§ 1.67 Division of Reactor Development and Technology.

* * * * *

(b) Within the scope of his assigned functions, the Director, Division of Reactor Development and Technology, assures that appropriate consideration is given to the protection of the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

13. Section 1.69(b) is amended by changing the financial limitation of $1 million to "$2,500,000." and § 1.69(c) is revised to read as follows:

§ 1.69 Division of Space Nuclear Systems.

* * * * *

(c) Within the scope of his functions, the Director, Division of Space Nuclear Systems, assures that appropriate consideration is given to the protection of the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

14. The center heading preceding § 1.91 is revised to read as follows:

DIVISIONS AND OFFICES REPORTING TO THE ASSISTANT GENERAL MANAGER FOR OPERATIONS

15. Section 1.200(e) is revised to read as follows:

§ 1.200 Chicago Operations Office.

* * * * *

(e) Within the scope of his functions, the Manager, Chicago Operations Office, assures that appropriate consideration is given to the protection of the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

16. Section 1.201(d) is amended by revising the first sentence to read as follows:

§ 1.201 Idaho Operations Office.

* * * * *

(d) Within the scope of his functions, the Manager, Idaho Operations Office, assures that appropriate consideration is given to the protection of the health and safety of Government and contract personnel and the general public from the hazards associated with his assigned functions.

* * * * *

17. Section 1.202(e) is revised to read as follows:

§ 1.202 Oak Ridge Operations Office.

* * * * *

(e) Within the scope of his functions, the Manager, Oak Ridge Operations Office, assures that appropriate consideration is given to the protection of the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

§ 1.203 [Amended]

* * * * *

18. Section 1.203(d) is revoked.

19. Section 1.204 is revised to read as follows:

§ 1.204 Richland Operations Office.

(a) The Richland Operations Office, under the direction of a Manager of Operations responsible to the General Manager, is responsible (1) for the production of special nuclear materials; (2) for the supervision of related process development, engineering and construction programs, and (3) for the execution of certain statutory functions of the AEC under the Atomic Energy Community Act of 1955, as amended, with respect to properties and activities in Richland, Wash.

(b) The Manager, Richland Operations Office, exercises contract authority as described in § 1.5(c).

(c) The Manager, Richland Operations Office, administers AEC access permits in Alaska, Oregon, and Washington.

(d) Within the scope of his functions, the Manager, Richland Operations Office, assures that appropriate consideration is given to the protection of the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

(e) The Manager, Richland Operations Office, exercises the settlement authority described in § 1.5(d).

20. Section 1.205(d) is revised to read as follows:

§ 1.205 Savannah River Operations Office.

* * * * *

(d) Within the scope of his functions, the Manager, Savannah River Operations Office, assures that appropriate consideration is given to the protection of the health and safety of Government

and contractor personnel and the general public from the hazards associated with his assigned functions.

* * * * *

21. Section 1.206(f) is revised to read as follows:

§ 1.206 Albuquerque Operations Office.

* * * * *

(f) Within the scope of his functions, the Manager, Albuquerque Operations Office, assures that appropriate consideration is given to the protection of the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

* * * * *

22. Section 1.207(d) is revised to read as follows:

§ 1.207 San Francisco Operations Office.

* * * * *

(d) Within the scope of his functions, the Manager, San Francisco Operations Office, assures that appropriate consideration is given to the protection of the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

* * * * *

23. Section 1.208(d) is revised to read as follows:

§ 1.208 Nevada Operations Office.

* * * * *

(c) Within the scope of his functions, the Manager, Nevada Operations Office, assures that appropriate consideration is given to the protection of the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

* * * * *

24. Section 1.210(c) is revised to read as follows:

§ 1.210 Grand Junction Office.

* * * * *

(c) Within the scope of his functions, the Manager, Grand Junction Office, assures that appropriate consideration is given to the protection of the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

* * * * *

25. Section 1.215(c) is revised to read as follows:

§ 1.215 Brookhaven Office.

* * * * *

(c) Within the scope of his functions, the Manager, Brookhaven Office, assures that appropriate consideration is given to the protection of the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

* * * * *

26. Section 1.225(c) is revised to read as follows:

§ 1.225 Pittsburgh Naval Reactors Office.

* * * * *

(c) Within the scope of his functions, the Manager, Pittsburgh Naval Reactors Office, assures that appropriate consideration is given to the protection of the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

* * * * *

27. Section 1.226(c) is revised to read as follows:

§ 1.226 Schenectady Naval Reactors Office.

* * * * *

(c) Within the scope of his functions, the Manager, Schenectady Naval Reactors Office, assures that appropriate consideration is given to the protection of the health and safety of Government and contractor personnel and the general public from the hazards associated with his assigned functions.

* * * * *

(Sec. 161, Atomic Energy Act, of 1954, as amended, 42 U.S.C. 2201)

Dated at Washington, D.C., this 26th day of December 1967.

For the Atomic Energy Commission.

F. T. Hobbs,
Acting Secretary.

[F.R. Doc. 67-15115; Filed, Dec. 28, 1967; 8:49 a.m.]

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

Miscellaneous Amendments

Notice is hereby given of the amendment of the Statement of Organization, Delegations, and General Information of the U.S. Atomic Energy Commission, 10 CFR Part 1, published in the FEDERAL REGISTER on December 29, 1961 (26 FR 12729–12745), as amended.

The present amendment covers miscellaneous clarifying and other changes in statements of responsibilities of certain officers and organizational units of the Commission.

Because this amendment relates to matters of internal management, general notice of proposed rulemaking and public procedure thereon are unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Atomic Energy Community Act of 1955, as amended, the Administrative Procedure Act of 1946, as amended, and 1 CFR 17.2, the following amendments to 10 CFR Part 1 are published as a document, subject to codification to be effective upon publication in the FEDERAL REGISTER.

1. In § 1.35, the first sentence is revised; as amended § 1.35 reads as follows:

§ 1.35 Division of Inspection.

The Division of Inspection, under the supervision of a Director of Inspection appointed by the Commission, is established by the act, and assigned the function of gathering information to show whether or not the contractors, licensees and officers and employees of the Commission are complying with the provisions of the act (except those for which the Federal Bureau of Investigation is responsible) and the appropriate rules and regulations of the Commission. The Division of Inspection (a) conducts the necessary checks and inspections to ascertain the integrity and efficiency of all AEC operations; (b) for operations under the General Manager, develops standards and policies for inspection and appraisal and reporting of incidents, appraises application of these standards and policies, and investigates serious incidents as necessary; (c) for operations under the Director of Regulation, reviews inspection procedures and standards and ascertains that approved procedures and standards are followed; (d) directly investigates all questions of employee misconduct and fraud; and (e) performs other independent investigations, reviews and appraisals and makes reports as the Commission directs.

2. In § 1.50, paragraph (a) is amended by a deletion. As amended paragraph (a) reads as follows:

§ 1.50 Office of the Assistant General Manager for Plans and Production.

(a) The Assistant General Manager for Plans and Production directs and coordinates the programs of the Divisions of Production, Raw Materials, Plans and Reports, and Operations Analysis and Forecasting.

* * * * *

3. In § 1.53 paragraphs (a) and (c) are amended. As amended § 1.53 reads as follows:

§ 1.53 Division of Plans and Reports.

The Division of Plans and Reports (a) recommends systems to increase effectiveness of program planning, project control, cost reduction, and reporting; (b) assists in preparation of long-range plans; (c) prepares consolidated plans, planning reports, project and program progress reports, cost reduction reports, and statistical data, for AEC management, Congress, and others; (d) provides advice and assistance to field offices and Headquarters in the use of project control and planning systems; and (e) analyzes and reports project control data.

4. Section 1.63 is amended by adding new paragraph (h), with mechanical amendments in paragraphs (f) and (g) to accommodate to the addition. As amended paragraphs (f), (g), and (h) read as follows:

§ 1.63 Division of Peaceful Nuclear Explosives.

* * * (f) gives program direction to the Lawrence Radiation Laboratory, other AEC laboratories, and the Operations Offices with respect to Plowshare

program; (g) assures in carrying out the above functions and responsibilities, that adequate provision is made for the health and safety of Government and contractor personnel and of the general public; and (h) maintains liaison within AEC and with other interested Federal agencies, State and local governments and industrial and scientific groups in areas of the Division's responsibilities.

5. In § 1.208, subparagraph (2) of paragraph (a) is revised; as amended paragraph (a) reads as follows:

§ 1.208 Nevada Operations Office.

(a) The Nevada Operations Office, under the direction of a Manager of Operations, responsible to the General Manager, (1) manages the Nevada Test Site (NTS) and other experimental nuclear explosive test sites within and outside the continental United States, where development projects administered by AEC and other agencies may be carried out; (2) provides support services to the various users of NTS and other experimental nuclear test sites within and outside the continental United States as agreed with the individual users; and (3) coordinates the planning and execution of weapons and other nuclear explosive tests both within and outside the continental United States and develops equipment and processes to assure safe and effective operations.

* * * * *

6. Section 1.270 is amended by inserting, immediately following the heading, an unnumbered paragraph reading as follows:

§ 1.270 Delegation of authority with respect to development and sale of residential lots at Los Alamos, N. Mex.

The Area Manager, Los Alamos Area Office, has the following authority with respect to development and sale of residential lots at Los Alamos, N. Mex.:

* * * * *

7. Paragraph (a) of § 1.271 is amended to read as follows:

§ 1.271 Delegation of authority with respect to sale of additional undeveloped land in the White Rock Area of Los Alamos County, N. Mex.

(a) The Area Manager, Los Alamos Area Office, has the following authority with respect to the establishment and development of a community at White Rock, County of Los Alamos, State of New Mexico, and to the sale of land within said area for housing development:

* * * * *

(Sec. 1.61, Atomic Energy Act of 1946, as amended, 60 Stat. 755, 42 U.S.C. 1801; Atomic Energy Act of 1954, as amended, 68 Stat. 919; 42 U.S.C. 2011, and Atomic Energy Community Act of 1955, 69 Stat. 483; 42 U.S.C. 2305, Administrative Procedure Act of 1946, as amended, 5 U.S.C. 551 et seq.)

Dated at Washington, D.C., this 22d day of December 1967.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 67-15116; Filed, Dec. 28, 1967; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Wisconsin University Building Corporation and Wisconsin State Agencies Building Corporation

§ 1.204 Wisconsin University Building Corporation and the Wisconsin State Agencies Building Corporation.

(a) *Request.* The Comptroller of the Currency has been requested to consider whether the rulings of September 25, 1964, that bonds of the Wisconsin University Building Corporation and the Wisconsin State Agencies Building Corporation are public securities and therefore eligible for purchase, dealing in, underwriting, and unlimited holding by national banks (§§ 1.150 and 1.151) are now applicable with respect to outstanding and future bond issues of the two corporations.

(b) *Opinion.* (1) The State of Wisconsin has authorized The Regents of the University of Wisconsin, The Board of Regents of State Colleges and the Department of Public Welfare to enter into long-term lease rental agreements with a nonprofit corporation for the construction and financing of buildings and other improvements related to activities under their control.

(2) The Wisconsin University Building Corporation is a nonprofit corporation organized under the provisions of the Wisconsin Nonstock Corporation law for the purpose of acquiring, financing and improving real estate and leasing such improved real estate to the University of Wisconsin. The Wisconsin State Agencies Building Corporation is also a nonprofit corporation organized under the provisions of the same law for the purpose of constructing buildings and other improvements for University, State college, and general State purposes.

(3) The proceeds of the bonds issued and to be issued by these corporations are for the construction of facilities to be leased to the University, the State colleges or the Department of Public Welfare, respectively, on long-term leases. Rental payments under the leases are in an amount determined to be sufficient to pay the principal of and interest on the bonds issued in connection with the project. While funds from various sources are available for the payment of the lease rentals the law specifically provides that the State shall be liable and may be sued on contract for accrued rentals and for any other default under any such lease.

(4) The State of Wisconsin, which possesses general powers of taxation, has thus pledged its full faith and credit to make payments to the corporations of amounts sufficient to provide for all required payments in connection with these bonds.

(c) *Ruling.* It is our conclusion, therefore, that bonds of the Wisconsin University Building Corporation and the Wisconsin State Agencies Building Corporation are general obligations of the State of Wisconsin under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks.

Dated: December 21, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-15110; Filed, Dec. 28, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 67-WE-23-AD, Amdt. 39-528]

PART 39—AIRWORTHINESS DIRECTIVES

Certain General Dynamics Model 240/340/440 Airplanes Using Turbo-Propeller Power

Pursuant to the authority delegated to me by the Administrator (14 C.F.R. 11.81), an airworthiness directive (AD) was adopted on December 7, 1967, and made effective by telegram immediately as to all known operators of General Dynamics Model 240/340/440 airplanes using turbo-propeller power which have been modified per STC Nos. SA1316WE, SA1054WE, SA1132WE, or SA1096WE. The AD requires that, before further flight from the next maintenance base, an external inspection of each wing in the area of the fuel tank be conducted to determine whether there is fuel leakage in that area. An additional internal inspection of each wing fuel tank and repair of structural damage are called for under certain circumstances. Also, the AD requires that all under-wing

fueling be accomplished with the over-wing fuel tank filler cap(s) removed when filling each tank above 80 percent of its capacity.

Telegraphic issuance of this AD was necessitated by three reports of over-pressurization of the wing fuel tanks in affected airplane types which was attributed to failure of the upper and lower diaphragm assemblies in the pressure fueling valves. In two of these cases, actual structural damage to the wing resulted. It was found that failure of the diaphragms in question, together with overpressrization of the wing tanks, constituted an unsafe condition which was likely to exist or develop in other General Dynamics Model 240/340/440 airplanes using turbo-propeller power which had been modified per the STCs referenced herein. The telegram also indicated that an approved modification of the pressure fueling valves was unavailable at the time.

Since it was found that corrective action was required within a very short time, notice and public procedure thereon was impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately as to all known operators of the modified General Dynamics Model 240/340/440 airplanes using turbo-propeller power by individual telegrams dated December 8, 1967. These conditions still exist, and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.81), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to Model 240/340/440 airplanes using turbo-propeller power which have been modified per STC Nos. SA1316WE, SA1054WE, SA1132WE, or SA1096WE. Compliance required as indicated.

Because of three reports of overpressurization of the wing fuel tank in affected airplane types that have been attributed to failure of the upper and lower diaphragm assemblies in the pressure fueling valves (P/N 2640644 or P/N 2650198), accomplish the following:

(1) Before further flight from the next maintenance base where facilities and personnel are available, externally inspect each wing in the area of the fuel tank for fuel leakage;

(2) If fuel leakage is found as a result of the inspection per paragraph (1), before further flight internally inspect each wing fuel tank exhibiting fuel leakage for presence of structural damage;

(3) If structural damage is found as a result of the inspection per paragraph (2), before further flight repair portion of each wing exhibiting structural damage as necessary; and

(4) After the effective date of this AD, when filling at or above 80 percent of the fuel tank capacity, perform all under-wing fueling with over-wing fuel tank filler cap(s) removed.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram issued previously.

Issued in Los Angeles, Calif., on December 19, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423))

LEE E. WARREN,
Acting Regional Director,
Western Region.

[F.R. Doc. 67-15127; Filed, Dec. 28, 1967; 8:49 a.m.]

[Airworthiness Docket No. 67-WE-21-AD, Amdt. 39-527]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 Series Airplanes

Amendment 39-505 (initially issued by telegram on Oct. 21, 1967, and later published in 32 F.R. 15579), AD 67-30-5, essentially prohibits inflight electrical activation of the battery charger installed in McDonnell Douglas Model DC-9 Series airplanes and limits operation of the battery charger on the ground to certain phases of the ground operation of the aircraft.

Subsequent to the adoption of the AD, the manufacturer of the aircraft proposed certain modifications to the battery charger installation and the electrical compartment which, if accomplished, would allow the agency to lift the restrictions imposed by AD 67-30-5. These modifications are designed to improve the overall heat resistance characteristics of the battery charger installation and to prevent overheating of the battery charger itself. More specifically, the modifications consist of:

1. Replacing the three single-phase 20 amp circuitbreakers on the ground service bus with a single three-phase companion-trip 8 amp circuit breaker;

2. Removing the three single-phase 20 amp circuitbreakers on the left A.C. bus and deactivating the three wires to the transfer relay;

3. Replacing the junction box cover, the relay panel cover, and the d.c. volt/ammeter shunt cover, respectively, with similar covers manufactured from material exhibiting improved heat resistance characteristics; and

4. Installing a heat deflecting shroud over the battery charger manufactured from the same heat resistant material.

The agency finds that the accomplishment of these modifications in accordance with the manufacturer's service bulletins referenced in this amendment will provide an adequate level of safety and an alternative means of compliance with paragraphs 1 and 3 of AD 67-30-5. Therefore, action is taken herein to amend AD 67-30-5 to reflect this finding.

Also, action is taken herein to prescribe amendments to the appropriate DC-9 Series Airplane Flight Manuals to account for changes in the emergency procedures section thereof caused by replacement and removal of certain circuit breakers.

In addition to the substantive changes to AD 67-30-5 set forth herein, action is taken to amend that AD as it appeared in the FEDERAL REGISTER to add a paragraph that was included in the telegraphic version of the AD but inadvertently left out of the FEDERAL REGISTER version. This paragraph relates to the method of displaying the operating limitations prescribed in paragraph 3 of AD 67-30-5.

Since the changes to AD 67-30-5 brought about by this amendment are either editorial in nature or provide an alternative means of compliance, I find that notice and public procedure hereon are unnecessary. Also, since this amendment imposes no additional burden on any person, and since it has been made known to the agency that affected operators desire to have this amendment become effective at the earliest practicable date, I find that good cause exists for making this amendment effective on the date of adoption.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.81), § 39.13 of part 39 of the Federal Aviation Regulations, Amendment 39-505 (initially issued by telegram on Oct. 21, 1967, and later published in 32 F.R. 15579), AD 67-30-5 is amended as follows:

1. Paragraph 3 is amended by inserting the following new flush paragraph at the end thereof (immediately below the text of note No. 2):

The operating limitations specified in subparagraphs A and B of this paragraph must be placed in the aircraft in the form of a placard in clear view of the pilot. For the purpose of this AD, any document (including a pilot checklist) including these limitations constitutes a "placard" within the meaning of this paragraph.

2. Paragraph 4 is amended to read as follows:

4. Compliance with paragraphs 1 and 3 of this AD is no longer required, and the operating limitations prescribed in those paragraphs may be removed upon:

A. Accomplishing the modifications specified in the "Accomplishment Instructions" sections of McDonnell Douglas DC-9 Service Bulletin Nos. 24-25 dated December 1, 1967 (or later FAA-approved revision), 24-27 dated December 1, 1967 (or later FAA-approved revision), 25-97 dated November 10, 1967 (or later FAA-approved revision); and

B. Removing FAA-approved revisions dated May 3, 1967, and incorporating FAA-approved revisions dated December 1, 1967, to the Emergency Procedures Section of the FAA-approved DC-9 Series 10 Airplane Flight Manual (Douglas Report DAC-32999) or the FAA-approved DC-9 Series 30 Airplane Flight Manual (Douglas Report DAC-33530), as appropriate, under the heading of "Electrical Smoke of Unknown Origin", Phase III.

This amendment becomes effective on December 19, 1967.

Issued in Los Angeles, Calif., on December 19, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423))

LEE E. WARREN,
Acting Regional Director,
FAA Western Region.

[F.R. Doc. 67-15128; Filed, Dec. 28, 1967; 8:49 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-WE-68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 15493) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate controlled airspace in the Logan, Utah, terminal area. Interested persons were given 30 day in which to submit written comments, suggestions, or objections.

No objections have been received, and the proposed amendment is hereby adopted subject to the following change: F.R. Doc. 67-13135 (32 F.R. 15493) is changed by striking out "* * *, Colo." where it appears in the heading for the transition area description, and inserting "* * *, Utah" in place thereof.

Since this change is editorial in nature, notice and public procedure hereon are unnecessary.

Effective date. This amendment is effective February 29, 1968.

Issued in Los Angeles, Calif., on December 20, 1967.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (32 F.R. 2147) the following transition area is added:

LOGAN, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Logan-Cache Airport (latitude 41°47'09" N., longitude 111°50'53" W.); that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-4, on the east by longitude 111°40'-30" W., on the south by the north edge of V-288, on the west by the east edge of V-21; and that airspace extending upward from 10,500 feet MSL bounded on the northeast by the southwest edge of V-48, on the west by longitude 111°40'30" W., and on the south by the north edge of V-288.

[F.R. Doc. 67-15129; Filed, Dec. 28, 1967; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8612; Amdt. 95-162]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective February 1, 1968, as follows:

1. By amending Subpart C as follows:

Section 95.240 *Red Federal airway 40* is amended to read in part:

From, to, and MEA

Kodiak, Alaska, LFR; Homer, Alaska, LFR; 6,000.

Section 95.1001 *Direct routes—United States* is amended to delete:

Binghamton, N.Y., VOR; Buffalo, N.Y., LFR or VOR; 4,500.
Blackstone, Va., LFR; Int direct crs Lynchburg, Va., LFR to Blackstone, Va., LFR and South Boston, Va., VOR rad, 031°; 2,000.
Cape Charles, Va., VOR; Waverly INT, Va.; *3,000. *1,800—MOCA.
Lake Charles, La., VOR; Singer INT, La.; *3,000. *1,500—MOCA.
Red Hook INT, N.Y.; Starkville INT, N.Y.; 6,000.
Somerton INT, Va.; Windsor INT, Va.; 2,100.
Toltec INT, Ariz.; Int. PHX 147°/TUS 285°; *7,000. *6,500—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Johney INT, Ala.; Decatur, Ala., VOR; *3,000. *2,000—MOCA.
Dellrose INT, Tenn.; Shelbyville, Tenn., VOR; *3,000. *2,500—MOCA.
Dellrose INT, Tenn.; Nashville, Tenn., VOR; *3,000. *2,300—MOCA.
Decatur, Ala., VOR; Fairview INT, Ala.; *3,000. *2,200—MOCA.
Roundtree INT, Ala.; Huntsville, Ala., VOR; *2,600. *2,400—MOCA.
Hobbs INT, Ala.; Huntsville, Ala., VOR; *3,000. *2,600—MOCA.
Bluff INT, Ala.; Huntsville, Ala., VOR; 2,600.
Huntsville, Ala., LMM; Huntsville, Ala., VOR; *2,600. *2,500—MOCA.
Decatur, Ala., VOR; Int, 147° M rad, Huntsville VOR and 113° M rad, Decatur VOR; *3,000. *2,600—MOCA.
Taylor, Fla., VOR; Tarboro INT, Ga.; *2,000. *1,400—MOCA.
Flint INT, Ga.; Albany, Ga., VOR; *2,000. *1,300—MOCA.
Tallahassee, Fla., VOR; Flint INT, Ga.; *2,000. *1,600—MOCA.
Marianna, Fla., VOR; Flint INT, Ga.; *2,000. *1,500—MOCA.
Dothan, Ala., VOR; Flint INT, Ga.; 2,500.
Taos, N. Mex., VOR; *Charles INT, Colo.; 15,000. MAA—45,000. *10,000—MCA Charles INT, southbound.
Lake Charles, La., VOR; Long INT, La.; *3,000. *1,500—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Cox INT, Ga.; Alma, Ga., VOR; *2,000. *1,600—MOCA.
Cox INT, Ga.; Brunswick, Ga., VOR; *2,000. *1,300—MOCA.
Folsom INT, Ala.; Huntsville, Ala., VOR; *3,000. *2,400—MOCA.
McAllen, Tex., VOR; Brownsville, Tex., VOR; 2,100. via MFE 087°/BRO 300° M rads.
Binghamton, N.Y., VOR; Buffalo, N.Y., LF/RBN; 4,500.
Binghamton, N.Y., VOR; Buffalo, N.Y., VOR; 4,500.
Richmond, Ind., LF/RBN; Cincinnati, Ohio, LF/RBN; 2,400.
Richmond, Ind., LF/RBN; Arba INT, Ind.; 2,300.
*Charles INT, Colo.; **Pueblo, Colo., VOR; 8,000. MAA—45,000. *10,000—MCA Charles INT, southbound. **7,200—MCA Pueblo VOR, southbound.
*Charles INT, Colo.; **Pueblo, Colo., LOM; 8,000. *10,000—MCA Charles INT, southbound. **7,200—MCA Pueblo VOR, southbound.
Yolo INT, Calif.; Marysville, Calif., VOR; *2,000. via MYV 185° M rad. *1,300—MOCA.

Panama Routes

V-12
France Field, C.Z.; Mike 5; *5,000. *2,200—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Cape Charles, Va., VOR; Int, 013° M rad. Cape Charles VOR and 214° M rad. Salisbury VOR; *2,000. *1,800—MOCA.
Int, 013° M rad. Cape Charles VOR and 214° M rad. Salisbury VOR; Crisfield INT, Md.; *2,000. *1,700—MOCA.
Crisfield INT, Md.; Salisbury, Md., VOR; 2,000.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Chicago Heights, Ill., VOR; Niles INT, Ill.; 2,500.
Niles INT, Ill.; Evanston INT, Ill.; 3,000.
Evanston INT, Ill.; Papi INT, Ill.; 2,500.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Naperville, Ill., VOR, via N alter.; Surf INT, Ill., via N alter.; 3,000.
Surf INT, Ill., via N alter.; Neptune INT, Ill., via N alter.; *2,300. *2,000—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Moscow INT, Tenn., via S alter.; Selmer INT, Tenn., via S alter.; *3,500. *1,900—MOCA.
*Selmer INT, Tenn., via S alter.; Graham, Tenn., VOR, via S alter.; **5,500. *5,500—MCA Selmer INT, northeast-bound. **2,000—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Anderson, S.C., VOR; Spartanburg, S.C., VOR; *2,500. *2,300—MOCA.

Section 95.6033 *VOR Federal airway 33* is amended to read in part:

Cofield, N.C., VOR; Carrsville INT, Va.; *2,000. *1,100—MOCA.
Carrsville INT, Va.; Harcum, Va., VOR; 2,000.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Albany, Ga., VOR; Cobb INT, Ga.; *2,000. *1,500—MOCA.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

Saginaw, Mich., VOR; via W alter.; Bentley INT, Mich., via W alter.; 2,200.
Bentley INT, Mich., via W alter.; Red Oak INT, Mich., via W alter.; *5,000. *2,600—MOCA.

Section 95.6067 *VOR Federal airway 67* is amended to read in part:

Cedar Rapids, Iowa, VOR; *Vinton INT, Iowa; **2,700. *3,200—MRA. **2,200—MOCA.
Vinton INT, Iowa; *Flyers INT, Iowa; **2,700. *3,200—MRA. **2,200—MOCA.
Flyers INT, Iowa; Waterloo, Iowa, VOR; 2,500.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Industry, Tex., VOR; Sealy INT, Tex.; *2,000. *1,700—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to delete:

Newman, Tex., VOR; Water Hole INT, Tex.; 8,700.
Water Hole INT, Tex.; Mayfield INT, Tex.; 9,000.
Mayfield INT, Tex.; *McConnell INT, Tex.; **10,500. *10,500—MRA. **9,000—MOCA.
McConnell INT, Tex.; *Salt Flat, Tex., VOR; 6,000. *9,100—MCA Salt Flat VOR, eastbound.

Section 95.6094 *VOR Federal airway 94* is amended by adding:

Newman, Tex., VOR; Salt Flat, Tex., VOR; *8,800. *8,700—MOCA.
Newman, Tex., VOR, via N alter.; Waterhole INT, Tex., via N alter.; 8,700.
Waterhole INT, Tex., via N alter.; Mayfield INT, Tex., via N alter.; 9,000.
Mayfield INT, Tex., via N alter.; *McConnell INT, Tex., via N alter.; **10,500. *10,500—MRA. **9,000—MOCA.
McConnell INT, Tex., via N alter.; *Salt Flat, Tex., VOR; via N alter.; 6,000. *9,100—MCA Salt Flat VOR, eastbound.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Americus INT, Ga.; *Junction City INT, Ga.; **3,500. *3,000—MRA. **1,800—MOCA.

Section 95.6116 *VOR Federal airway 116* is amended to read in part:

Naperville, Ill., VOR; Surf INT, Ill.; 3,000.
Surf INT, Ill.; Neptune INT, Ill.; *2,300. *2,000—MOCA.

Section 95.6129 *VOR Federal airway 129* is amended by adding:

Eau Claire, Wis., VOR; Duluth, Minn., VOR; *4,000. *3,000—MOCA.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

Saginaw, Mich., VOR; Wheeler INT, Mich.; *2,200. *1,800—MOCA.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Willards INT, Md.; Sea Isle, N.J., VOR; *2,000. *1,700—MOCA.
Sea Isle, N.J., VOR; Avalon INT, N.J.; 2,000.
Avalon INT, N.J.; Harbor INT, N.J.; *3,000. *1,500—MOCA.
Harbor INT, N.J.; Manta INT, N.J.; *5,000. *1,500—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Dogwood, Mo., VOR; Ford DME Fix, Mo.; 3,600.
Ford DME Fix, Mo.; Springfield, Mo. VOR; northwest-bound, 3,000, southeast-bound, 3,600.

Section 95.6162 *VOR Federal airway 162* is amended to read in part:

Aetna INT, Pa.; Auburn INT, Pa.; 3,400.
Auburn INT, Pa.; East Texas, Pa., VOR; 3,000.

Section 95.6167 *VOR Federal airway 167* is amended to read in part:

Coyle, N.J., VOR; Kennedy, N.Y., VOR; *2,000. *1,200—MOCA.

Section 95.6181 *VOR Federal airway 181* is amended to read in part:

Watertown, S. Dak., VOR; Barney INT, N. Dak., *3,900. *3,100—MOCA.
Barney INT, N. Dak.; Fargo, N. Dak., VOR; *3,400. *3,100—MOCA.

Section 95.6194 *VOR Federal airway 194* is amended to delete:

Norfolk, Va., VOR; Gwynn INT, Va.; 2,000.

Section 95.6194 *VOR Federal airway 194* is amended by adding:

Norfolk, Va., VOR; Gwynn INT, Va.; *2,000. *1,700—MOCA.
Gwynn INT, Va.; Int, 219° M rad. Snow Hill, Md., VOR and 082° M rad. Harcum VOR; *2,700. *1,800—MOCA.

Section 95.6194 *VOR Federal airway 194* is amended to read in part:

Charlotte, N.C., VOR; Liberty, N.C., VOR; 3,000.

Section 95.6218 *VOR Federal airway 218* is amended to read in part:

Naperville, Ill., VOR; Surf INT, Ill.; 3,000.
Surf INT, Ill.; Neptune INT, Ill.; *2,300. *2,000—MOCA.

Section 95.6232 *VOR Federal airway 232* is amended by adding:

Harbor View INT, Ohio; Sandusky, Ohio, VOR; 2,600.

Section 95.6297 *VOR Federal airway 297* is amended to read in part:

Saginaw, Mich., VOR; Bentley INT, Mich.; 2,200.
Bentley INT, Mich.; Red Oak INT, Mich.; *5,000. *2,600—MOCA.

Section 95.6308 *VOR Federal airway 308* is amended to read in part:

Avalon INT, N.J.; Harbor INT, N.J.; *3,000. *1,500—MOCA.
Harbor INT, N.J.; Manta INT, N.J.; *5,000. *1,500—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

Kodiak, Alaska, VOR; Homer, Alaska, VOR; 6,000.
Homer, Alaska, VOR; *Skilak INT, Alaska; 5,000. *4,000—MCA Skilak INT, southbound.
Kodiak, Alaska, VOR, via W alter.; Int, 185° M rad. Homer VOR and 335° M rad. Kodiak VOR, via W alter.; *6,000. *4,000—MOCA.
Int, 185° M rad. Homer VOR and 335° M rad. Kodiak VOR, via W alter.; Homer, Alaska, VOR, via W alter.; 6,000.

Section 95.6498 *VOR Federal airway 498* is amended to read in part:

Galena, Alaska, VOR; Kateel DME Fix, Alaska, westbound, 8,000, eastbound, 4,000.
Kateel DME Fix, Alaska; Kotzebue, Alaska, VOR; *8,000. *5,300—MOCA.

Section 95.7015 *Jet Route No. 15* is amended to read in part:

From, To, MEA, and MAA

Salt Lake City, Utah, VORTAC; Boise, Idaho, VORTAC; 18,000, 45,000. MEA is established with a gap in navigation signal coverage.

Section 95.7590 *Jet Route No. 590* is added to read:

United States-Canadian border; Sault Ste Marie, Mich., RBN; 18,000, 45,000.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on December 19, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-15017; Filed, Dec. 28, 1967; 8:45 a.m.]

[Reg. Docket. No. 8601; Amdt. 574]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF Standard Instrument Approach Procedure

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	802

Procedure turn N side of crs, 021° Outbnd, 201° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 201°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing PBA NDB, climb to 1700′ on 201° bearing within 15 miles of PBA NDB.
MSA within 25 miles of facility: 000°–360°—1200′.

City, Barrow; State, Alaska; Airport name, Wiley Post-Will Rogers Memorial; Elev., 49′; Fac. Class., H; Ident., PBA; Procedure No. NDB(ADF)-1, Amdt. Orig.; Eff. date, 20 Jan. 68

Roberts VOR	Sidney Int	Direct	2400	T-dn*	300-1	300-1	200-½
Sidney Int	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
DEC VOR	Atwood Int	Direct	2400	S-dn-31	400-1	400-1	400-1
Atwood Int	LOM	Direct	2400	A-dn	800-2	800-2	800-2
CMI VOR	LOM	Direct	2400				
Bemet Int	LOM	Direct	2400				
Mansfield Int	CMI VOR	Direct	2700				

Procedure turn N side of crs, 133° Outbnd, 313° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 313°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 2700′ and proceed to Mansfield Int via CMI VOR, R 325° or, as directed by ATC, climb to 2800′ and proceed to Bement Int via CMI VOR, R 234°.
*When weather is less than 400-1, aircraft departing Runways 4, 31, and 36 maintain runway track until reaching 1500′ due to 1140′ tower, 2.5 miles NNE.
MSA within 25 miles of facility: 000°–360°—3000′.

City, Champaign (Urbana); State, Ill.; Airport name, University of Illinois-Willard; Elev., 759′; Fac. Class., LOM; Ident., CM; Procedure No. NDB (ADF) Runway 31, Amdt. 2; Eff. date, 20 Jan. 68; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 5 Sept. 64

API VOR	LOM (final)	Direct	1700	*T-dn	300-1	300-1	200-½
DPA VOR	LOM	Direct	2500	C-dn	500-1	500-1	500-1½
ORD VOR	LOM	Direct	2500	S-dn-4	500-1	500-1	500-1
OBK VOR	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Niles Int	LOM	Direct	2500				
York Int	LOM (final)	Direct	1700				
Bartlett Int	LOM	Direct	2500				
Tiger Int	York Int	Via ORD R 218°.	2500				

Radar available.
Procedure turn S side of crs, 218° Outbnd, 038° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 038°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles of LOM, climb to 2500′ turn left and proceed to OBK VOR via OBK VOR, R 170°.
NOTES: (1) LOM designated Pine. (2) Final approach from holding pattern at LOM not authorized. Procedure turn required.
CAUTION: Takeoffs on Runway 32L, when weather is below 1000-3, climb to 2000′ MSL on runway heading prior to making left turn.
MSA with 25 miles of facility: 000°–090°—2500′; 090°–180°—3000′; 180°–360°—2500′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., LOM; Ident., HN; Procedure No. NDB(ADF) Runway 4, Amdt. 1; Eff. date, 20 Jan. 68; Sup. Amdt. No. Orig.; Dated, 11 Mar. 67

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakewood Int	LOM (final)	Via OBK R 272° and 138° bearing to LOM.	2200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-14L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Warren Int	LOM	Direct	2500				
Niles Int	LOM	Direct	3000				
Deerfield Int	LOM	Direct	2500				
OBK VOR	LOM	Direct	2500				

Radar available.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 miles.
Minimum altitude over LOM on final approach crs, 2200′.
Crs and distance, facility to airport, 138°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing LOM turn left to heading of 120° and climb to 1500′, make left-climbing turn to 3500′ and proceed to Evanston Int via ORD R 075.
NOTE: Runway 14L, LOM named "LIMA".
CAUTION: Takeoffs on Runway 32L, when weather is below 1000–3, climb to 2000′ MSL on runway heading prior to making left turn.
MSA within 25 miles of facility: 000–090°—2500′; 090°–180°—3000′; 180°–360°—2500′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., LOM; Ident., OH; Procedure No. NDB(ADF) Runway 14L, Amdt. 8; Eff. date, 20 Jan. 68; Sup. Amdt. No. 7; Dated, 25 Mar. 65

Lakewood Int	LOM (final)	Via OBK, R 272° and bearing 138° to LOM.	2200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-14R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
ORD VOR	LOM	Direct	2500				
OBK VOR	LOM	Direct	2500				
Warren Int	LOM	Direct	2500				
Niles Int	ORD VOR	Direct	3000				
Deerfield Int	LOM	Direct	2500				
Elgin Int	LOM	Direct	2500				

Radar available.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 138°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, turn right to heading 155° and climb to 1500′ then make right-climbing turn to 3500′ and proceed to DPA VOR via DPA R 085° or, as directed by ATC, turn right to heading of 155° and climb to 1500′, then make right-climbing turn to 2500′ and proceed to Elgin Int, via ORD R 271°.
NOTE: Runway 14R, LOM named "ROMEO".
CAUTION: Takeoffs on Runway 32L, when weather is below 1000–3, climb to 2000′ MSL on Runway heading prior to making left turn.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—3000′; 180°–360°—2500′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., LOM; Ident., OR; Procedure No. NDB(ADF) Runway 14R, Amdt. 7; Eff. date, 20 Jan. 68; Sup. Amdt. No. ADF 1, Amdt. 6; Dated, 26 June 65

Papi Int	LOM	Direct	2300	T-dn	300-1	300-1	200-½
Warren Int	ORD VOR	Direct	2500	C-dn	400-1	500-1	500-1½
ORD VOR	LOM	Direct	2300	S-dn-27R	400-1	400-1	400-1
OBK VOR	LOM	Direct	3000	A-dn	800-2	800-2	800-2
Lakewood Int	ORD VOR	Via OBK, R 272° and ORD, R 315°.	2500				
Deerfield Int	LOM	Direct	2300				
Niles Int	LOM	Direct	3000				

Radar available.
Procedure turn N side of crs, 088° Outbnd, 268° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 268°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, turn right to 285° heading, climb to 1500′ then make right-climbing turn to 3500′ and proceed to Lakewood Int via ORD VOR, R 310° and OBK VOR, R 272° or, as directed by ATC, turn right to 285° heading, climb to 1500′ then make climbing right turn to 3500′ and proceed direct OBK VOR.
NOTE: LOM named "Taft".
CAUTION: Takeoffs on Runway 32L, when weather is below 1000–3, climb to 2000′ MSL on runway heading prior to making left turn.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—3000′; 180°–360°—2500′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., LOM; Ident., IA; Procedure No. NDB(ADF) Runway 27R, Amdt. 6; Eff. date, 20 Jan. 68; Sup. Amdt. No. ADF 3, Amdt. 5; Dated, 26 Jan. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CGT VOR	Stack Int	Via CGT, R 356° and bearing 318° to RV LOM.	3500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
API VOR*	Stack Int	Direct	3500				
Niles Int	Stack Int	Via API, R 088° and bearing 318° to RV LOM.	3500				
Stack Int	LOM (final)	Direct	2300				
ORD VOR*	Stack Int	Direct	3500				
OBK VOR*	Stack Int	Direct	3500				
Lakewood Int	ORD VOR	Via OBK VOR, R 272° and ORD, R 318°.	3500				

Radar available.
Procedure turn E side of crs, 136° Outbnd, 318° Inbnd, 3500' within 10 miles of Stack Int.
Minimum altitude over LOM on final approach crs, 2300'; over Stack Int, 3500'.
Crs and distance, LOM to airport, 318°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, turn left to 300° heading, climb to 1500', then make left-climbing turn to 3500' and proceed direct to DPA VOR.
NOTES: (1) ADF/VOR receivers or radar required. (2) Runway 32L LOM named River Grove. (3) *Requires holding pattern entry at Stack Int during nonradar operation. (4) All transition to Stack Int except as noted.
CAUTION: Takeoffs on Runway 32L, when weather is below 1000-3, climb to 2000' MSL on runway heading prior to making left turn.
MSA within 25 miles of facility: 000°-180°—3000'; 180°-360°—2500'.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., LOM; Ident., RV; Procedure No. NDB(ADF) Runway 32L; Amdt. 5; Eff. date, 20 Jan. 68; Sup. Amdt. No. 4; Dated, 11 Feb. 67

CGT VOR	Park Int	Via CGT, R 356° and bearing 318° to ID LOM.	3500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
API VOR*	Park Int	Direct	3500				
Niles Int	Park Int	Via API, R 088° and bearing 318° to ID LOM.	3500				
ORD VOR*	Park Int	Direct	3500				
OBK VOR*	Park Int	Direct	3500				
Park Int	LOM (final)	Direct	2300				
Lakewood Int	ORD VOR	Via OBK, R 272° and ORD VOR R 318.	3500				

Radar available.
Procedure turn E side of crs, 136° Outbnd, 318° Inbnd, 3500' within 10 miles of Park Int.
Minimum altitude over LOM on final approach crs, 2300', over Park Int on final approach crs, 3500'.
Crs and distance, LOM to airport, 318°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing LOM turn right to 335° heading, climb to 1500', then make right-climbing turn to 3500' and proceed to Evanston Int via ORD R 075.
NOTES: (1) Functioning VOR receiver required unless a radar vector to final approach crs is obtained. (2) LOM 32R named Indian. (3) *Requires holding pattern entry at Park Int during nonradar operation. (4) All transitions to Park Int except as noted.
CAUTION: Takeoffs on Runway 32L, when weather is below 1000-3, climb to 2000' MSL on runway heading prior to making left turn.
MSA within 25 miles of facility: 000°-180°—3000'; 180°-360°—2500'.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., LOM; Ident., ID; Procedure No. NDB(ADF) Runway 32R; Amdt. 5; Eff. date, 20 Jan. 68; Sup. Amdt. No. 4; Dated, 9 Sept. 67

Nantucket VOR	AC LOM	Direct	1700	T-dn	300-1	300-1	200-½
Great Point Int	AC LOM	Direct	1700	C-dn	400-1	500-1	500-1½
				S-dn-24	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring.
Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 240°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing AC LOM, make climbing left turn to 1700' direct to AC LOM. Hold NE of AC LOM 240° Inbnd, 1-minute right turns.
CAUTION: 342' tower 2.6 miles W of airport; 650' Loran antenna 3 miles ESE of airport.
MSA within 25 miles of facility: 000°-360°—1700'.

City, Nantucket; State, Mass.; Airport name, Nantucket Memorial; Elev., 47'; Fac. Class., LOM; Ident., AC; Procedure No. NDB(ADF) Runway 24; Amdt. 4; Eff. date, 20 Jan. 68; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 25 Dec. 65

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Mansfield Int	CMI VOR	Direct	2700	T-dn*	300-1	300-1	200-½
R 115°, CMI VOR clockwise	R 234°, CMI VOR	Via 12-mile DME Arc.	2300	C-dn	500-1	500-1	500-1½
				S-dn-4	500-1	500-1	500-1
R 360°, CMI VOR counterclockwise	R 234°, CMI VOR	Via 12-mile DME Arc.	2700	A-dn	800-2	800-2	800-2
				Minimums with DME:			
12-mile DME Fix, R 234°	4-mile DME Fix, R 234° (final)	Direct	1253	C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 2300′ within 10 miles.
Minimum altitude over 4-mile DME Fix on final approach crs, 1253′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of CMI VOR, make left turn, climb to 2700′ and proceed to *Mansfield Int northwestbound on CMI R 325° or, when directed by ATC, make right turn, climb to 2300′ and proceed direct to CM LOM.
*When weather is less than 400–1, aircraft departing Runways 4, 31, and 36 maintain runway track until reaching 1500′ due to 1146′ tower, 2.5 miles NNE.
MSA within 25 miles of facility: 000°–360°—3000′.

City, Champaign (Urbana); State, Ill.; Airport name, University of Illinois-Willard; Elev., 753′; Fac. Class., L-BVORTAC; Ident., CMI; Procedure No. VOR Runway 4, Amdt. 4; Eff. date, 20 Jan. 68; Sup. Amdt. No. TerVOR-4, Amdt. 3; Dated, 23 May 64

Mansfield Int	CMI VOR	Direct	2700	T-dn*	300-1	300-1	200-½
R 205°, CMI VOR clockwise	R 325°, CMI VOR	Via 12-mile DME Arc.	2700	C-dn	700-1	700-1	700-1½
				S-dn-13	700-1	700-1	700-1
R 085°, CMI VOR counterclockwise	R 325°, CMI VOR	Via 12-mile DME Arc.	2700	A-dn	800-2	800-2	800-2
				Minimums with DME:			
12-mile DME Fix, R 325°	4-mile DME Fix, R 325° (final)	Direct	1453	C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1

Procedure turn W side of crs, 325° Outbnd, 145° Inbnd, 2700′ within 10 miles.
Minimum altitude over 4-mile DME Fix on final approach crs, 1453′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2700′ southeastbound on R 145°, reverse crs and return to VOR.
*When weather is less than 400–1, aircraft departing Runways 4, 31, and 36 maintain runway track until reaching 1500′ due to 1146′ tower, 2.5 miles NNE.
MSA within 25 miles of facility: 000°–360°—3000′.

City, Champaign (Urbana); State, Ill.; Airport name, University of Illinois-Willard; Elev., 753′; Fac. Class., L-BVORTAC; Ident., CMI; Procedure No. VOR Runway 13, Amdt. 1; Eff. date, 20 Jan. 68; Sup. Amdt. No. VOR/DME No. 1, Orig.; Dated, 9 Oct. 65

Mansfield Int	CMI VOR	Direct	2700	T-dn*	300-1	300-1	200-½
12-mile DME Fix, R 027°	2.7-mile DME Fix, R 027° (final)	Direct	1453	C-dn	700-1	700-1	700-1½
R 270°, CMI VOR clockwise	R 027°, CMI VOR	Via 12-mile DME Arc.	2700	A-dn	800-2	800-2	800-2
				Minimums with DME:			
R 145°, CMI VOR counterclockwise	R 027°, CMI VOR	Via 12-mile DME Arc.	2300	C-dn	400-1	500-1	500-1½

Procedure turn E side of crs, 027° Outbnd, 207° Inbnd, 2100′ within 10 miles.
Minimum altitude over 2.7-mile DME Fix on final approach crs, 1453′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2700′ and proceed to Mansfield Int northwestbound on CMI R 325°, or when directed by ATC, climb to 2500′ and proceed to Bement Int southwestbound on CMI VOR R 234°.
*When weather is less than 400–1, aircraft departing Runways 4, 31, and 36 maintain runway track until reaching 1500′ due to 1146′ tower, 2.5 miles NNE.
MSA within 25 miles of facility: 000°–360°—3000′.

City, Champaign (Urbana); State, Ill.; Airport name, University of Illinois-Willard; Elev., 753′; Fac. Class., L-BVORTAC; Ident., CMI; Procedure No. VOR Runway 22, Amdt. 1; Eff. date, 20 Jan. 68; Sup. Amdt. No. VOR/DME No. 2, Orig.; Dated, 9 Oct. 65

Mansfield Int	CMI VOR	Direct	2700	T-dn*	300-1	300-1	200-½
R 360°, CMI VOR clockwise	R 120°, CMI VOR	Via 12-mile DME Arc.	2300	C-dn	500-1	500-1	500-1½
				S-dn-31	500-1	500-1	500-1
R 240°, CMI VOR counterclockwise	R 120°, CMI VOR	Via 12-mile DME Arc.	2300	A-dn	800-2	800-2	800-2
				Minimums with DME:			
12-mile DME Fix, R 120°	4-mile DME Fix (final)	Direct	1253	C-dn	400-1	500-1	500-1½
				S-dn-31	400-1	400-1	400-1

Procedure turn N side of crs, 120° Outbnd, 300° Inbnd, 2300′ within 10 miles.
Minimum altitude over 4-mile DME Fix on final approach crs, 1253′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of CMI VOR climb to 2700′ and proceed to *Mansfield Int northwestbound on CMI R 325° or, when directed by ATC, climb to 2500′ and proceed to Bement Int southwestbound on CMI VOR R-234°.
*When weather is less than 400–1, aircraft departing Runways 4, 31, and 36 maintain runway track until reaching 1500′ due to 1146′ tower, 2.5 miles NNE.
MSA within 25 miles of facility: 000°–360°—3000′.

City, Champaign (Urbana); State, Ill.; Airport name, University of Illinois-Willard; Elev., 753′; Fac. Class., L-BVORTAC; Ident., CMI; Procedure No. VOR Runway 31, Amdt. 5; Eff. date, 20 Jan. 68; Sup. Amdt. No. TerVOR-31, Amdt. 4; Dated, 5 Sept. 64

PROCEDURE CANCELED, EFFECTIVE 20 JAN. 1968.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., L-VORTAC; Ident., ORD; Procedure No. VOR Runway 4, Amdt. 4; Eff. date, 11 Mar. 67; Sup. Amdt. No. TerVOR-4, Amdt. 3; Dated, 18 June 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Papi Int	Ridge Int	Via OBK R 076° and ORD R 038°.	2500	T-dn	200-1	200-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
OBK VOR	Ridge Int	Direct	2500	A-dn	800-2	800-2	800-2
Niles Int	ORD VORTAC	Direct	3000				
Warren Int	ORD VORTAC	Direct	2500				

Radar available.
Procedure turn N side of crs, 038° Outbnd, 218° Inbnd, 2600′ within 10 miles of Ridge Int.
Minimum altitude over Ridge Int on final approach crs, 2600′; over Rand Int 1800′.
Crs and distance, Rand Int to VOR, 218°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, of ORD VOR, climb to 3500′ and proceed to DPA VOR via ORD R 218° and DPA R 085° or, as directed by ATC, climb to 1500′ on ORD R 218°, then make right-climbing turn to 2500′ and proceed to Elgin Int via ORD R 271°.

NOTE: Radar fix may be requested in lieu of Rand and Ridge Intersections.
CAUTION: Takeoffs on Runway 32L, when weather is below 1000-3, climb to 2000′ MSL on runway heading prior to making left turn.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—3000′; 180°–360°—2300′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., L-BVORTAC; Ident., ORD; Procedure No. VOR Runway 22, Amdt. 6; Eff. date, 20 Jan. 68; Sup. Amdt. No. TerVOR-22, Amdt. 5; Dated, 18 Jan. 66

CMI VOR	DNV VOR	Direct	2300	T-dn	300-1	300-1	200-½
EPT VOR	DNV VOR	Direct	2300	C-dn	400-1	500-1	500-1½
Tab VHF/DME Int	DNV VOR (final)	Direct	2300	S-dn-21	400-1	400-1	400-1
R 295°, DNV VOR clockwise	R 014°, DNV VOR	Via 8-mile DME Arc.	2300	A-dn*	NA	NA	NA
R 095°, DNV VOR counterclockwise	R 014°, DNV VOR	Via 8-mile DME Arc.	2300				
8-mile DME Fix, R 014°	DNV VOR (final)	Direct	2300				

Procedure turn W side of crs, 014° Outbnd, 194° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 194°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing DNV VOR, make left-climbing turn to 2300′ and return to DNV VOR.
CAUTION: 1000′ tower, 3 miles SSW of airport.
*800-2 authorized for air carrier with approved weather service.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2200′; 180°–270°—3000′; 270°–360°—2400′.

City, Danville; State, Ill.; Airport name, Vermilion County; Elev., 693′; Fac. Class., L-BVORTAC; Ident., DNV; Procedure No. VOR Runway 21, Amdt. 3; Eff. date, 20 Jan. 68; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 13 Aug. 66

				T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				A-dn	NA	NA	NA

Radar available.
Procedure turn N side of crs, 261° Outbnd 081° Inbnd, 2500′ within 10 miles.
Minimum altitude over IND VOR on final approach crs, 2500′.
Crs and distance, facility to airport, 081°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles of VOR, make left turn, climb to 2500′ and return to VOR.
NOTES: (1) No lights available. (2) Use Indianapolis altimeter setting.
#Avoid climb in NE quadrant of airport after takeoff when weather is below 1000-3 due to 1043′ tower, 1.1 miles N, 1104′ tower 2 miles ENE, and 1349′ tower 7 miles NE.
MSA within 25 miles of facility: 000°–180°—2900′; 180°–360°—2300′.

City, Indianapolis; State, Ind.; Airport name, Bob Shank; Elev., 776′; Fac. Class., H-BVORTAC; Ident., IND.; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 20 Jan. 68

Mansfield Int	CMI VOR	Direct	2700	T-d	300-1	300-1	300-1
R 090°, CMI VOR clockwise	R 207°, CMI VOR	Via 7-mile DME Arc.	2300	C-d	800-1	800-1	800-1½
				Minimums with DME:			
R 330°, CMI VOR counterclockwise	R 207°, CMI VOR	Via 7-mile DME Arc.	2700	C-d	500-1	500-1	500-1½
				A-dn	NA	NA	NA
7-mile DME Fix, R 207°	CMI VOR (final)	Direct	2300				

Procedure turn W side of crs, 207° Outbnd, 027° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 027°—7.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.4 miles after passing CMI VOR, make climbing right turn and return to the CMI VOR at 2300′.
NOTE: Use Champaign altimeter setting.
MSA within 25 miles of facility: 000°–360°—3000′.

City, Urbana; State, Ill.; Airport name, Illini; Elev., 735′; Fac. Class., L-BVORTAC; Ident., CMI; Procedure No. VOR-1, Amdt. 1; Eff. date, 20 Jan. 68; Sup. Amdt. No. VOR 1, Orig.; Dated, 6 Jan. 66

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DNV VOR	Rose Int	196°/8.5-mile	2200	T–dn	300–1	300–1	200–½
R 085°, DNV VOR clockwise	R 196°, DNV VOR	Via 16-mile DME Arc.	2400	C–dn	400–1	500–1	500–1½
R 210°, DNV VOR counterclockwise	R 196°, DNV VOR	Via 16-mile DME Arc.	2400	A–dn*	NA	NA	NA
16-mile DME Fix, R 196°	8.5-mile DME Fix, R 196° (Rose Int) (final).	Direct	1700				

Procedure turn E side of crs, 196° Outbnd, 016° Inbnd, 2200′ within 10 miles of Rose Int.
Minimum altitude over Rose Int on final approach crs, 1700′.
Crs and distance, Rose Int to airport, 016°—8.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.3-mile DME Fix, R 196°, climb to 2300′ and proceed direct to VOR.
CAUTION: 1090′ tower, 3 miles SSW of airport.
*Alternate minimums 800–2 authorized for air carriers with weather reporting service.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2300′; 180°–270°—3000′; 270°–360°—2400′.

City, Danville; State, Ill.; Airport name, Vermilion County; Elev., 695′; Fac. Class., L-BVORTAC; Ident., DNV; Procedure No. VOR/DME Runway 3, Amdt. 1; Eff. date, 20 Jan. 68; Sup. Amdt. No. VOR/DME 2, Orig.; Dated, 24 Dec. 66

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Roberts VOR	Sidney Int	Direct	2400	T–dn‡	300–1	300–1	200–½
Sidney Int	LOM	Direct	2400	C–dn	400–1	500–1	500–1½
Decatur VOR	Atwood Int	Direct	2400	S–dn–31°	300–¾	300–¾	300–¾
Atwood Int	LOM	Direct	2400	A–dn	600–2	600–2	600–2
CMI VOR	LOM	Direct	2400				
Bement Int	LOM	Direct	2400				
Mansfield Int	CMI VOR	Direct	2700				
12-mile DME Fix, CMI R 133°	LOM (final)	Direct	2400				
R 360°, CMI VOR clockwise	R 133°, CMI VOR	Via 12-mile DME Arc.	2400				
R 250°, CMI VOR counterclockwise	R 133°, CMI VOR	Via 12-mile DME Arc.	2400				

Procedure turn N side of crs, 133° Outbnd, 313° Inbnd, 2400′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2400′.
Altitude of glide slope and distance to approach end of runway at OM, 2358′—5.7 miles; at MM, 927′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700′ and proceed to Mansfield Int via CMI VOR R 326° or, as directed by ATC, climb to 2500′ and proceed to Bement Int via CMI VOR R 224°.
*400–1 required without glide slope.
‡When weather is less than 400–1, aircraft departing Runways 4, 31, and 36 maintain runway track until reaching 1500′ due to 1140′ tower, 2.5 miles NNE.
MSA within 25 miles of LOM: 000°–360°—3000′.

City, Champaign (Urbana); State, Ill.; Airport name, University of Illinois-Willard; Elev., 753′; Fac. Class., ILS; Ident., I-CMI; Procedure No. ILS Runway 31, Amdt. 2; Eff. date, 20 Jan. 68; Sup. Amdt. No. ILS-31, Amdt. 1; Dated, 5 Sept. 64

API VOR	York Int	Via API R to 300	2500	T–dn	300–1	300–1	200–½
Tiger Int	York Int	Direct	2500	C–dn	400–1	500–1	500–1½
DPA VOR	LOM	Direct	2500	S–dn–4‡	400–1	400–1	400–1
ORD VOR	LOM	Direct	2500	A–dn	800–2	800–2	800–2
Niles Int	LOM	Direct	2500				
Bartlett Int	LOM	Direct	2500				
OBK VOR	LOM	Direct	2500				
York Int	LOM (final)	Direct	1700				

Radar available.
Procedure turn S side of crs, 218° Outbnd, 038° Inbnd, 2500′ within 10 miles.
Minimum altitude over LOM on final approach crs, 1700′.
Crs and distance, LOM to airport, 038°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles of LOM, climb to 2500′ turn left and proceed to OBK VOR via OBK VOR R 170°.
NOTES: (1) LOM designated Pine. (2) Final approach from holding pattern at LOM not authorized. Procedure turn required.
CAUTION: Takeoffs on Runway 32L, when weather is below 1000–3, climb to 2000′ MSL on runway heading prior to making left turn.
‡400–¾ authorized with operative SALS except for 4-engine turbojets.
MSA within 25 miles of HN LOM: 000°–090°—2500′; 090°–180°—3000′; 180°–360°—2500′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-HNA; Procedure No. ILS Runway 4, Amdt. 2; Eff. date, 20 Jan. 68; Sup. Amdt. No. ILS Runway 4, Amdt. 1; Dated, 11 Mar. 67

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakewood Int	LOM (final)	Via OBK R 272° and NW crs, ORD ILS.	2200	T-dn*	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-14R*	200-½	200-½	200-½
ORD VOR	LOM	Direct	2500	A-dn	600-2	600-2	600-2
Warren Int	LOM	Direct	2500				
Elgin Int	LOM	Direct	2500				
Niles Int	ORD VOR	Direct	3000				
Deerfield Int	LOM	Direct	2500				
OBK VOR	LOM	Direct	2500				

Radar available.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2140′—5.3 miles; at MM, 861′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, turn right to a heading of 155° and climb to 1500′, then make a right-climbing turn to 3500′ and proceed to DPA VOR via R 085° or, when directed by ATC, turn right to heading of 155° and climb to 1500′, then make right-climbing turn to 2500′ and proceed to Elgin Int via ORD R 271°.
CAUTION: When conducting a parallel approach, parallel ILS–14 R and L procedure must be used.
NOTES: (1) Runway 14R LOM named "ROMEO". (2) Back crs unusable.
CAUTION: Takeoffs on Runway 32L, when weather is below 1000–3, climb to 2000′ MSL on runway heading prior to making left turn.
% 400–¾ required when glide slope not utilized and 400–½ authorized with operative ALS, except for 4-engine turbojets.
*2400′ RVR. Descent below 867′ not authorized unless approach lights are visible.
#RVR 2400′ authorized Runways 14 L and R, 32 L and R, and 27R.
MSA within 25 miles of ORD LOM: 000°–090°—2500′; 090°–180°—3000′; 180°–360°—2500′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-ORD; Procedure No. ILS Runway 14R, Amdt. 12; Eff. date, 20 Jan. 68; Sup. Amdt. No. ILS–14R, Amdt. 11; Dated, 18 June 66

Meadows Int	LOM (final when glide slope not utilized).	138°–3.9 miles	2100	T-dn	200-1	200-1	200-½
				C-dn	NA	NA	NA
				S-dn-14 R & L#	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn not authorized. Radar required.
Crs, LOM to Runway 14R, 138°; LOM to Runway 14L, 138°.
Runway 14R—Minimum altitude at glide slope interception Inbnd, 2200′.
Runway 14L—Minimum altitude at Meadows Int or glide slope interception Inbnd, $3200′ (2100′ when authorized by ATC).
Altitude of glide slope and distance to approach end of runway at LOM, 14R: 2140′—5.3 miles; 14L: 2090′—5.2 miles; at MM, 14R: 861′—0.5 mile, 14L: 864′—0.6 mile.
When advised by the controller or if visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 14R—Turn right to heading of 155° and climb to 1500′, then make right-climbing turn to 3500′ and proceed to DPA VOR via R 085°. Runway 14L—Turn left to heading of 120° and climb to 1800′, make left-climbing turn to 3500′ and proceed to Evanston Int via ORD R 075°.
#Runway 14 L and R—400–¾ required when glide slope not utilized; 400–½ authorized with operative ALS, except for 4-engine turbojets. 2400′ RVR. Descent below 867′ not authorized unless approach lights are visible.
$Meadows Int established where 3200′ altitude intercepts glide slope. When glide slope inoperative, begin descent at Meadows Int.
NOTES: (1) Use of this procedure is mandatory when conducting a parallel ILS approach, and is authorized only when airborne 75 mc (or ADF), and localizer receivers are operating simultaneously. A radar fix in lieu of Meadows Intersection will be provided upon pilot's request. (2) When any required airborne receiver in Note (1) is malfunctioning or a parallel approach is not desired, immediate notification of approach control is mandatory. (3) When advised that parallel operations are in progress, the pilot will check his authorization and restrictions for Runway 14 L and R, and be prepared to accept or reject an approach to either. (4) Back crs unusable Runway 14 L and R.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-ORD and I-OHA; Procedure No. Parallel ILS Runways 14 L and R, Amdt. 7; Eff. date, 20 Jan. 68; Sup. Amdt. No. 6; Dated, 15 July 67

OBK VOR	Navy Int	Direct	2000	T-dn	300-1	300-1	200-½
Papi Int	Navy Int	Via OBK R 076° and HNA ILS BC.	2000	C-dn*	400-1	500-1	500-1½
				S-dn-22*#	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2
Deerfield Int	Navy Int	Via OBK R 001° and HNA ILS BC.	2000				

Radar available.
Procedure turn N side of crs, 038° Outbnd, 218° Inbnd, 2600′ within 10 miles of Navy Int.
Minimum altitude over Navy Int on final approach crs, 2600′; over Dan Int, 1900′.
Crs and distance, Navy Int to airport, 218°—3.2 miles; Dan Int to airport, 218°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles of DAN int, climb to 3500′ and proceed to DPA VOR via front crs, 218° and DPA R 085°.
CAUTION: Takeoffs on Runway 32L, when weather is below 1000-3, climb to 2000′ MSL on runway heading prior to making left turn.
*Dual VOR or radar required.
#Reduction not authorized for REIL.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-HNA; Procedure No. LOC(BC) Runway 22, Amdt. 1; Eff. date, 20 Jan. 68; Sup. Amdt. No. Orig.; Dated, 11 Feb. 67

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Papi Int	LOM	Direct	2300	T-dn%	300-1	300-1	200-½
ORD VOR	LOM	Direct	2300	C-dn	400-1	500-1	500-1½
OBK VOR	LOM	Direct	3000	S-dn-27R#	200-½	200-½	200-½
Lakewood Int	ORD VOR	Via OBK R 272° and ORD R 318.	2500	A-dn	600-2	600-2	600-2
Niles Int	LOM	Direct	3000				
Warren Int	ORD VOR	Direct	2500				
Deerfield Int	LOM	Direct	2300				

Radar available.
Procedure turn N side E crs, 088° Outbnd, 268° Inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2130′—4.5 miles; at MM, 867′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, turn right to 285° heading, climb to 1500′, then make right-climbing turn to 3500′ and proceed to Lakewood Int via ORD VOR R 310° and OBK VOR R 272° or, as directed by ATC, turn right to 285° heading, climb to 1500′, then make climbing right turn to 3500′ and proceed direct OBK VOR.
NOTE: Runway 27 LOM named "Taft." Back crs unusable.
CAUTION: Takeoffs on Runway 32L, when weather is below 1000-3, climb to 2000′ MSL on runway heading prior to making left turn.
%RVR 2400′ authorized Runways 14L, 14R, 32L, and 27R.
#RVR 2400′. Descent below 867 not authorized unless approach lights are visible.
*400-¾ required when glide slope not utilized and 400-½ authorized with operative ALS except for 4-engine turbojets.
MSA within 25 miles of IA LOM: 000°-090°—2500′; 090°-180°—3000′; 180°-360°—2500′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-IAC; Procedure No. ILS Runway 27R, Amdt. 8; Eff. date, 20 Jan. 68; Sup. Amdt. No. ILS-27, Amdt. 7; Dated, 19 Nov. 66

CGT VOR	Stack Int	Via CGT R 356° and SE crs, RVG ILS.	3500	T-dn#	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32L%	200-½	200-½	200-½
Niles Int	Stack Int	Via API R 088° and SE crs, RVG ILS.	3500	A-dn	600-2	600-2	600-2
ORD VOR*	Stack Int	Direct	3500				
OBK VOR*	Stack Int	Direct	3500				
Stack Int	LOM (final)	Direct	2300				
Lakewood Int	ORD VOR	Via OBK R 272° and ORD VOR R 318°.	3500				

Radar available.
Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 3500′ within 10 miles of Stack Int.
Minimum altitude at glide slope interception Inbnd 2300′; over Stack Int, 3500′.
Crs and distance, LOM to airport, 318°—5.6 miles.
Altitude of glide slope and distance to approach end of runway at OM, 2280′—5.6 miles; at MM, 851′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, turn left to 300° heading, climb to 1500′, then make left-climbing turn to 3500′ and proceed direct to DPA VOR.
NOTES: (1) Functioning VOR receiver required unless a radar vector to final approach crs is obtained. (2) 400-¾ required when glide slope not utilized and 400-½ authorized with operative ALS, except for 4-engine turbojets. (3) Runway 32L LOM named River Grove. (4) Caution—when conducting a parallel approach,—parallel ILS 32 L and R procedure must be used. (5) All transition to Stack Int except as noted. (6) Back crs unusable.
CAUTION: Takeoffs on Runway 32L, when weather is below 1000-3, climb to 2000′ MSL on runway heading prior to making left turn.
*Requires holding pattern entry at Stack Int during nonradar operation.
#RVR 2400′ authorized Runways 14 L and R, 32 L and R, and 27 R.
%RVR 2400′. Descent below 867′ not authorized unless approach lights are visable.
MSA within 25 miles of RV LOM: 000°-180°—3000′; 180°-360°—2500′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-RVG; Procedure No. ILS Runway 32L, Amdt. 5; Eff .date, 20 Jan. 68; Sup. Amdt. No. ILS-32L, Amdt. 4; Dated, 18 Jan. 66

OBK VOR#	Park Int	Direct	3500	T-dn@	300-1	300-1	200-½
CGT VOR	Park Int	Via CGT R 356° and SE crs IDN ILS.	3500	C-dn	400-1	500-1	500-1½
				S-dn-32R*$	200-½	200-½	200-½
Niles Int	Park Int	Via API R 088° and SE crs IDN ILS.	3500				
ORD VOR#	Park Int	Direct	3500	A-dn	600-2	600-2	600-2
Park Int	LOM (final)	Direct	2300				
Lakewood Int	ORD VOR	Via OBK R 272° and ORD VOR R 318°.	3500				

Radar available.
Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 3500′ within 10 miles of Park Int.
Minimum altitude over Park Int on final approach crs, 3500′.
Crs and distance, OM to airport, 318°—6 miles.
Altitude of glide slope and distance to approach end of runway at OM, 2300′—6 miles; at MM, 848′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing LOM, turn right to 335° heading, climb to 1500′, then make right-climbing turn to 3500′ and proceed to Evanston Int via ORD VOR R 075°.
NOTES: (1) Functioning VOR receiver required unless radar operating. (2) Caution when conducting a parallel approach, parallel ILS Runway 32 L and R procedure must be used. (3) #Requires holding pattern entry at Park Int during nonradar operations. (4) All transitions to Park Int except as noted. (5) Back crs unusable.
CAUTION: Takeoffs on Runway 32L, when weather is below 1000-3, climb to 2000′ MSL on runway heading prior to making left turn.
*400-¾ required when glide slope not utilized and 400-½ authorized with operative ALS, except for 4-engine turbojets.
@ RVR 2400′ authorized Runways 32 L and R, 14 L and R, and 27R.
$ RVR 2400′. Descent below 867′ not authorized unless approach lights are visible.
MSA within 25 miles of ID LOM: 000°-180°—3000′; 180°-360°—2600′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-IDN; Procedure No. ILS Runway 32R, Amdt. 3; Eff. date, 20 Jan. 68; Sup. Amdt. No. 2; Dated, 9 Sept. 67

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Canal Int	LOM (final when glide slope not utilized).	318°, 8.6	2300	T-dn	300-1	300-1	200-½
				C-dn	NA	NA	NA
Congress Int	LOM (final when glide slope not utilized).	318°, 2.6	2300	S-dn-32L, 32R‡.	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn not authorized. Radar required.
Crs, LOM to 32L, 318°; LOM to 32R, 315°.
Runway 32L—Minimum altitude at **Canal Int or glide slope interception Inbnd, 4000'.
Runway 32R—Minimum altitude at *Congress Int or glide slope interception Inbnd, 3000'.
Altitude of glide slope and distance to approach end of runway at OM, 32L—2280'—5.6 miles; 32R—2300'—6 miles.
Altitude of glide slope and distance to approach end of runway at MM, 32L—851'—0.6 mile; 32R—845'—0.5 mile.
When advised by controller or if visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 32L—Turn left to 200° heading, climb to 1500', then make left-climbing turn to 3500' and proceed direct to DPA VOR. Runway 32R—Turn right to 335° heading, climb to 1500', then make right-climbing turn to 3500' and proceed to Evanston Int via ORD R 078°.
‡Runway 32L and 32R: 400-¾ required when glide slope not utilized, 400-½ authorized with operative ALS, except for 4-engine turbojets. RVR 2400'. Descent below 867' not authorized unless approach lights are visible.
*Congress Int established where 3000' altitude intercepts glide slope. When glide slope inoperative, begin descent at Congress Int.
**Canal Int established where 4000' altitude intercepts glide slope. When glide slope inoperative, begin descent at Canal Int.
NOTES: (1) Use of this procedure is mandatory when conducting a parallel ILS 32 L and R approach, and is authorized only when airborne 75-mc (or ADF) and localizer receiver are operating simultaneously. Radar fixes in lieu of Congress or Canal intersections will be provided on pilot's request. (2) When any required airborne receiver in note (1) is malfunctioning or a parallel approach is not desired, immediate notification of approach control is mandatory. (3) When advised that parallel operations are in progress, the pilot will check his authorization for Runway 32 L and R and be prepared to accept or reject approach to either. (4) Back crs unusable Runway 32 L and R.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-RVG and I-IDN; Procedure No. Parallel ILS Runway 32 L and R, Amdt. 3; Eff. date, 20 Jan. 68; Sup. Amdt. No. 2; Dated, 9 Sept. 67

Nantucket VOR	AC LOM	Direct	1700	T-dn	300-1	300-1	200-½
Great Point Int	AC LOM	Direct	1700	C-dn	400-1	400-1	400-1½
				S-dn-24	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				With glide slope inoperative:			
				S-dn-24*	400-1	400-1	400-1

Radar vectoring.
Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 1700' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1515'.—4.4 miles; at MM, 266'—0.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing AC LOM, make left-climbing turn to 1700' direct AC LOM. Hold NE of AC LOM, 240° Inbnd, 1-minute right turns.
CAUTION: 342' tower, 2.6 miles W of airport; 650' Loran Antenna 3 miles ESE of airport.
*400-¾ authorized with operative HIRL, except for 4-engine turbojets. 400-½ authorized with operative ALS, except for 4-engine turbojets.
MSA within 25 miles of AC LOM: 000°-360°—1700'.

City, Nantucket; State, Mass.; Airport name, Nantucket Memorial; Elev., 47'; Fac. Class., ILS; Ident., I-ACK; Procedure No. ILS Runway 24, Amdt. 6; Eff. date, 20 Jan. 68; Sup. Amdt. No. ILS-24, Amdt. 5; Dated, 25 Dec. 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on December 13, 1967.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-14789; Filed, Dec. 28, 1967; 8:45 a.m.]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

CROSS REFERENCE: For addition of § 103.35 to Title 14, Chapter I, of the Code of Federal Regulations, see Title 49, Chapter I, Parts 171–190 (F.R. Doc. 67–15067) *infra*.

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR–103]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Subpart K—Standardized Method for Costing Proposed Changes in the Authorized Operations of Local Service Carriers

SERVICING EXPENSES

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22d day of December 1967.

In 32 F.R. 6714 the Board published a Notice of Proposed Rule Making, PDR–25, Docket 18467, dated April 25, 1967, that it had under consideration an amendment to Subpart K of Part 302 of the Procedural Regulations (14 CFR Part 302). The amendment would prescribe a new standardized method, for use in Board proceedings, of estimating servicing expense for local service routes and route proposals, replacing the present § 302.1105 of the Procedural Regulations.

The Board's proposal is bottomed upon the hypothesis that a carrier's servicing expense will vary with the number of points it serves, the volume of service it offers, and the traffic it carries. The effect upon servicing expense of the last-named factor, traffic, is expressed in terms of the volume of traffic boarded and the distance the traffic is carried. In order to measure changes in the four above-described factors, the Board's proposal would require a carrier to compute servicing expense by first isolating how much any route would cause it to expand its operations, as measured by prescribed units of effort representing each of the four factors. Then, for each factor, the carrier would compute servicing expense by multiplying its units of effort by its applicable unit cost.

Those unit costs for each carrier were based upon a multiple regression analysis establishing the industry cost trends for the last 5 years. Assuming that each carrier's unit costs followed the industry trends, the Board derived each carrier's current unit costs by applying its proportional mix of units of effort to the carrier's most recently experienced costs. In sum, the carrier's servicing expense is computed under the Board's costing technique as the product of two ingredients—the extent to which the carrier must expand its operations, and the carrier's predetermined unit costs.

Comments have been received from eight local service carriers, two trunkline carriers, and an air transport consultant. After full consideration, the Board has decided to adopt the rule as proposed.

No one champions the present Subpart K method which the proposed rule will replace. Consistent with the tentative findings set forth in the Explanatory Statement to PDR–25, which are incorporated herein and made final, all eight responding local service carriers and Eastern concede that the proposed rule is an improvement over the present method. The present method is clearly outmoded. The only real question is whether it should be supplanted by the Board's proposed costing technique or by some other standardized costing method.[1]

Costing methods other than the Board's. Lake Central and Bonanza submitted costing techniques which they believe to be superior to the Board's. Like the so-called STI method proposed by the air transport consultant, Lake Central's method assumes that servicing cost changes can be measured exclusively in terms of variations in revenue ton miles per departure. In our opinion, the Board's proposal, which uses more refined criteria, can produce more precise cost estimates.

Our primary problem with the Lake Central-STI approach is that it fails to break down the revenue ton-mile measuring rod into its constitutent elements of number of tons boarded and the length of haul.[2] It is an accepted principle of aviation economics that relatively greater operating economies result from increasing the length of haul than from boarding additional tons. However, under the Lake Central or STI approach, for any given additional number of ton-miles per departure, the added cost will be the same irrespective of the proportion of tons boarded and miles flown. The Board's proposal isolates these two units of effort to determine the cost of each, and its cost estimates for a given number of ton-miles will then vary depending on the ratio of tons boarded and miles flown.[3]

In addition, the Lake Central-STI proposal is inferior to the Board's proposal in two other respects. First, it does not differentiate between departures of different aircraft models having different capacities and costs. In contrast, the Board's proposal, which does, shows the aircraft capacity; it thus allows the Board to differentiate between the costs of competing carriers planning to offer different capacities over a proposed route. Second, the Lake Central-STI proposal takes no account of the number of stations needed for a proposed route. The Board's proposal, which does, shows the cost advantages which one carrier would have over another if it could operate a route with fewer new stations. Essentially, therefore, the Board's proposal is a refinement of the basic Lake Central-STI approach.

Bonanza's proposed standardized costing formula appears to be analogous to the Board's method, except that it expresses costs in terms of capacity per station. This is a fresh approach to the problem, which we welcome. Unfortunately, however, Bonanza did not supply enough supporting information so that the Board could fully understand and test its proposal. Therefore, the Board is unable to assess the proposal's merits at the present time.

Limitations in the Board's proposal. Although, as mentioned above, the carriers generally acknowledge that the proposed Subpart K method is better than the existing one, they express reservations about features of the new rule. The Board recognizes, of course, that the new rule is not necessarily the ultimate in costing methodology. Our action today is not meant to foreclose further inquiry into methods for estimating servicing expense. Until the industry and our staff can develop additional refinements of Subpart K, however, the Board's proposal is clearly the best technique available and should be used.

None of the comments demonstrate otherwise. The carriers' primary complaint relates to the hypothetical case in which different carriers compete to provide identical services over identical routes. In that hypothetical case, the carriers' servicing expense as measured by the proposed formula would differ in the same proportion as do their historic unit costs. This is because, as stated earlier, each carrier's servicing expense for any new route is computed under the proposed formula as the product of two ingredients—the extent to which the carrier must expand its operations, and the carrier's historic unit costs. In the hypothetical case, the carriers would expand their operations equally. Hence, the carrier's historic unit costs would be the sole determinant.

Part of the answer to the carriers' complaint is that their hypothetical case will be the exception, not the rule. Rare will it be that two carriers can each operate a new route with identical expansion of their operations in terms of new traffic carried, new capacity offered, and new stations operated. Thus, even if two carriers apply for new routes between the same pairs of points, one may already be serving some or all of the points over other routes and may thus require fewer new stations than its competitor would. Or one carrier might be able to operate

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[1] Only TWA suggests that the Board should not adopt *"any"* standardized costing methodology for route proceedings. In PR–87, issued when the Board originally adopted Subpart K, the Board explained the benefits which it expected from standardized costing techniques. None of TWA's criticisms are addressed to the basic reasons for standardized costing, as stated in PR–87. Nor does TWA allege any defects in the Board's proposal which, if valid, would justify the abandonment of standardized costing.

[2] Ton miles = tons boarded × distance flown.

[3] For example, if a carrier flew 1,500 ton-miles during a given period of time (15 tons × 100 miles) and its total doubled to 3,000 ton-miles, the Board's method would predict different costs associated with this increase depending upon whether it represents 30 tons × 100 miles, 20 tons × 150 miles, or 15 tons × 200 miles.

a new route without new capacity by rerouting existing flights. Other examples exist. Obviously, in such cases, the Board's proposed technique would properly show that one carrier's costs to operate a route will be lower than another's.

Even if the carriers' hypothetical case were to occur, the Board's formula would not necessarily be invalidated simply because it showed different costs for different carriers. No new route can be divorced from a carrier's old system. The makeup of the old system will affect each carrier's total number of stations, its utilization of aircraft, and its ability to spread out its fixed costs over its whole system. Of course, problems may arise if carriers apply for new routes which are so large and so different in operating characteristics from their old systems that their historic unit costs cease to be a reliable guide.

Those problems, however, are inherent not just in the Board's proposal, but in any standardized costing technique which uses historic unit costs. Indeed, the Board's proposal is less subject to criticism on this score than the existing Subpart K and Lake Central-STI methods, which assume to an even greater extent that any carrier's new route extension will have the same cost characteristics as its existing system. In any event, if any carrier believes that the Board's method produces an unrealistic result, it is free under § 302.1102 of Subpart K to submit additional cost estimates based upon other methods. On those occasions when a carrier can show that "it may not be appropriate to use the air carriers' experienced incremental unit expense rate," the carrier's alternative cost showing may be entitled to real weight (PR–87, Aug. 27, 1963). No more is required.

Several other objections to the Board's proposal are misplaced. Thus, TWA claims that local service and trunkline costs cannot be combined in deriving cost estimates for local service carriers; and Bonanza claims that inclusion of data for the Big Four trunkline carriers will distort the results when the formula is applied to the local service carriers. Both of these claims would be valid if the Board were proposing an average cost approach. But the Board used trunkline data solely for the purpose of determing industry cost trends. For that purpose, trunkline data must be used in addition to local service data so as to measure the rate at which costs will change as a carrier goes from a small operation to a large operation. Thus the proposal assumes only that, with changes in the nature of their operations, the small carriers will follow the cost pattern of the large carriers.

Equally invalid are criticisms that the Board failed to adjust properly for inflation or that it adjusted either too much or not enough for recent experience. As for inflation, any adjustment to exclude it would not affect the proposal's ultimate cost estimates at all.[4] And in order to take account of the carriers' most recent experience, both the industry trend and the unit costs of the individual carriers are recomputed every 6 months. A more frequent adjustment would be virtually impossible and, we believe, a semiannual adjustment will take account of recent cost efficiencies. On the other hand, long-range considerations are properly brought to bear by basing the industry trend on the last 5 years of data.

Other criticisms suggest intriguing possibilities to refine the Board's formula, although they do not enable any present change. In this category is the contention that stewardess expense should be separated and costed on a block-hour basis. At present, however, stewardess expense is not reported by aircraft type and, until it is, no reliable estimate of stewardess expense per block-hour is possible. Similarly, the Board cannot now gear the formula to differences resulting from a route's geographic location, as Eastern suggests, because carriers report their cost data for their system, rather than for particular geographic areas or markets. Contal's suggestion that the costing technique should distinguish more adequately between the fixed and variable aspects of servicing expense runs afoul of the fact that many servicing expenses are reported as aggregates, without separation into fixed and variable categories. Despite the unavailability of appropriate reported data, none of these carriers' suggestions is without merit. The Board invites the carriers to confer with its staff in exploring whether the suggestions, combined with revisions in reporting requirements, could lead to an improved costing technique.

Application of the technique. TWA and Eastern request, in effect, that the Bureau of Operating Rights be precluded from applying the proposed formula to trunkline carriers. As the two carriers recognize, however, the new Subpart K method is mandatory only for local service carriers. If the Bureau submits evidence using the method to estimate trunkline costs in any proceeding, the technique will be subject to attack in the same manner as any other costing formula and will have to stand or fall on its own merits. That being so, the Board sees no reason to prejudge whether the proposal can produce useful results in trunkline proceedings by precluding its use in future procedings.

Since this amendment is a rule of practice and procedure, the rule may become effective upon less than 30 days' notice.

Accordingly, the Board hereby amends Part 302 of its Procedural Regulations (14 CFR Part 302) by amending § 302.1105, effective January 1, 1968, to read as follows:

§ 302.1105 Servicing expense.

(a) In order to determine the amount of servicing expense, add the cost associated with the change in the number of (1) weighted departures, (2) weighted stations, (3) revenue tons originated, and (4) revenue ton-miles as determined herein.

(b) In order to determine the amount of expense associated with the number of weighted departures, proceed in accordance with the following steps:

(1) Refer to the compilation for the latest 12-month period setting forth each carrier's average capacity by aircraft type. Multiply the change in the number of departures to be caused by the proposed route modifications by the relevant aircraft capacity to obtain the total weighted departure units involved in the change.

(2) Refer to the compilation for the latest 12-month period setting forth the prescribed weighted departure unit rate for each carrier, and ascertain the applicable figure.

(3) Multiply the amount ascertained in subparagraph (2) of this paragraph by the number of weighted departure units determined in subparagraph (1) of this paragraph to determine the amount of weighted departure expense.

(c) In order to determine the amount of expense associated with the change in the number of weighted station units, proceed in accordance with the following steps:

(1) In accordance with paragraph (b) (1) of this section ascertain the change in the number of weighted departures which would occur at existing stations on the carrier's system caused by the proposed modification. Multiply the change in the number of weighted departures by the total number of existing stations on the carrier's system to determine the change in the number of weighted station units associated with existing stations.

(2) In accordance with paragraph (b) (1) of this section ascertain the number of weighted departures which would occur at any new stations to be added to the carrier's system caused by the proposed route change. Multiply the number of weighted departures occurring at the new stations by the sum of the existing stations on the carrier's system plus the number of new stations to be added to the system to determine the number of weighted station units associated with any new stations to be added to the

[4] Excluding inflation would undoubtedly affect the industry trend costs for each unit of effort derived from the multiple regression analysis. But each of these unit costs figures would be altered by the same proportion, and thus their relation to one another would not change. When these unit costs were then applied to each carrier's most recent 12 months of activity, because the unit costs had retained the same relationships, the breakdown of expense would be the same as if there had been no allowance for inflation. This identical allocation of expense will, in turn, produce identical unit cost estimates for each carrier. The same result would occur if any attempt were made to add a special allowance for inflation, instead of to exclude it.

carrier's system caused by the proposed route change.

(3) Refer to the compilation for the latest 12-month period setting forth the prescribed weighted station unit rate for each carrier and ascertain the applicable figure.

(4) Multiply the amount ascertained in subparagraph (3) of this paragraph by the sum of the weighted station units determined in subparagraphs (1) and (2) of this paragraph to determine the amount of weighted station expense.

(d) In order to determine the amount of expense associated with the change in the number of revenue tons originated, proceed in accordance with the following steps:

(1) Refer to the compilation for the latest 12-month period setting forth for each carrier the prescribed unit rate per revenue ton originated, and ascertain the applicable figure.

(2) Multiply the amount ascertained in subparagraph (1) of this paragraph by the change in the number of revenue tons originated to be caused by the proposed route modification in order to determine the amount of expense for revenue tons originated.

(e) In order to determine the amount of expense associated with the change in the number of revenue ton-miles, proceed in accordance with the following steps:

(1) Refer to the compilation for the latest 12-month period setting forth for each carrier the prescribed unit rate per revenue ton-mile, and ascertain the applicable figure.

(2) Multiply the amount ascertained in subparagraph (1) of this paragraph by the change in the number of revenue ton-miles to be caused by the proposed route modification in order to determine the amount of expense for revenue ton-miles.

(Secs. 204(a), 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-15106; Filed, Dec. 28, 1967; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Varying Discount Price Schedule—Distributor Recruitment Through Grant of Override

§ 15.155 Varying discount price schedule—distributor recruitment through grant of override.

(a) The Federal Trade Commission advised a manufacturer of household products that his proposed varying discount price schedule and his proposed granting of bonus payments to recruiting distributors on the business of distributors whom they recruit would, under the facts presented, in all probability result in violation of both section 2(a) of the amended Clayton Act and section 5 of the Federal Trade Commission Act.

(b) The manufacturer proposed to appoint as independent distributors such persons as would buy the requisite amount of inventory. Initial sales to such distributors would be at 33⅓ percent off the manufacturer's suggested prices for his products. Incentive bonuses, computed at from 5 percent to 60 percent of the value of their purchases, increasing as the value of purchases increased, would be paid from time to time to the distributors. Distributors would be encouraged to recruit additional distributors who would also make a capital investment in inventory. A recruiting distributor would be given a 10- to 12-percent override on the dollar volume of purchases of any distributor whom he had recruited.

(c) The Commission noted that because of the nature of the plan it was almost inevitable that very wide differences in prices would be charged customers, some of whom would, by reasonable assumption, be competitive with others. These differences would be so great that the anticompetitive effects made unlawful by the amended Clayton Act would almost certainly follow.

(d) In addition, it is clear from the facts presented that the requesting party contemplates that the so-called independent distributors would be for the most part selling at retail. The marketing plan is not primarily designed as an offer to knowledgeable businessmen, competent to weigh and evaluate commercial risks. It is designed, rather, to appeal to uninformed members of the general public, unaware of and unadvised of, the true nature of the risks run—persons with limited capital who are led to part with that capital by promises and hopes which are seldom, if ever, fulfilled. A particular vice of the plan is that part which provides override bonuses for recruited distributors. Implicit in such an arrangement is the promise, rarely if ever kept, that the recruiting distributor can, without himself working, profit greatly from the work of others.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: December 28, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-15095; Filed, Dec. 28, 1967; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Origin of Toilet Preparations

§ 15.156 Origin of toilet preparations.

(a) The Commission rendered an advisory opinion in regard to the legality of using foreign words indicating French origin in the brand name of a toilet preparation, where the product is blended in the United States with domestic alcohol and French oils. Specifically involved in the opinion was the propriety of using foreign words in the brand name of the product immediately followed by the following qualification—"Blended with French Oils in USA".

(b) In its opinion, the Commission said that the question posed is governed by Rule 3(b) of trade practice rules for the cosmetic and toilet preparations industry. "This rule," the Commission said, "specifically forbids the use of any foreign word or depiction in the brand name of a toilet preparation which may tend to convey the erroneous impression that the product is made wholly in a foreign country, unless a conspicuous disclosure is made in close conjunction therewith of the fact that such product was blended in the United States."

(c) Concluding its opinion, the Commission said: "* * * the proposed disclosure, 'Blended with French oils in USA,' would meet the requirements of Rule 3(b) as an adequate qualification of a French brandname to describe a product blended in the United States with domestic alcohol and French oils. It is not necessary to disclose the presence of French oils, but this disclosure is permissible so long as the statement is factually true."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: December 28, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-15096; Filed, Dec. 28, 1967; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 34-8206; 35-15918; IC-5200]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Proxy and Stockholder Information Rules

DECEMBER 14, 1967.

The Securities and Exchange Commission has adopted certain amendments to Regulation 14A (17 CFR 240.14a-1 et seq.) and Regulation 14C (17 CFR 240.14c-1 et seq.) under the Securities Exchange Act of 1934. Notice of the proposed amendments was published December 5, 1966, in Securities Exchange Act Release No. 8000 (31 F.R. 15750, Dec. 14, 1966). A number of very helpful comments were received and were considered in connection with the preparation of the final draft of the amendments. The changes involved in the adopted amend-

ments are briefly described below and the text of the amendments is attached to this release.

REGULATION 14A

Regulation 14A (17 CFR 240.14a–1 et seq.) is applicable to the solicitation of proxies, authorizations and consents with respect to securities registered pursuant to section 12 of the above Act. Rules adopted under the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940 make the regulation applicable also to the solicitation of proxies, authorizations, and consents with respect to the securities of certain companies subject to those statutes.

Rule 14a–3. The amendments to Rule 14a–3 (17 CFR 240.14a–3) published for comment in Release 8000 were adopted by the Commission and published January 24, 1967, in Securities Exchange Act Release No. 8029 (32 F.R. 1035, Jan. 28, 1967).

The Commission has further amended Rule 14a–3 by adding at the end thereof a note requesting the managements of issuers to furnish certain information to the Commission, when transmitting to the Commission copies of their annual reports to shareholders. The information requested will enable the Commission's staff to expedite the processing of proxy material.

Rule 14a–4. Paragraph (b)(2) of Rule 14a–4 (17 CFR 240.14a–4) requires that a form of proxy which provides both for elections to office and for action on other specified matters shall be prepared to permit the security holder to vote on the specified matters without conferring authority to vote for elections to office. The paragraph has been amended so that provision need not be made for withholding authority where the only matters to be acted upon are the election of directors and the election, selection or approval of other persons such as clerks or auditors. However, ballots are required for the selection or approval of auditors.

Paragraph (c) of Rule 14a–4 provides that a proxy may confer discretionary authority with respect to certain matters which may come before a meeting. Administrative practice of the Commission has heretofore permitted a proxy to confer discretionary authority with respect to the approval of the minutes of a prior meeting where such approval does not amount to ratification of action taken at such meeting, with respect to matters incident to the conduct of the meeting, and with respect to the election of any person to any office for which a bona fide nominee is named in the proxy statement and such nominee is unable to serve or for good cause will not serve. These practices have been incorporated into the rule.

Paragraph (c) of the rule has been further amended to provide that a proxy may confer discretionary authority to vote with respect to any proposal omitted from the proxy material pursuant to Rule 14a–8 (17 CFR 240.14a–8) or 14a–9 (17 CFR 240.14a–9). Heretofore, discretionary authority was permitted by this provision only with respect to proposals omitted pursuant to paragraph (c) of Rule 14a–8. The amendment will thus permit discretionary authority to vote with respect to proposals which are not submitted within the period of time specified in the rule, as well as those which may be omitted pursuant to paragraph (c), and with respect to proposals which are false or misleading.

Paragraph (d) of Rule 14a–4 provides that a proxy may not confer authority to vote for the election of any person to an office for which a bona fide nominee is not named in the proxy statement. This paragraph has been amended to provide that a person shall not be deemed a bona fide nominee unless he has consented to be named and to serve if elected. This codifies the administrative interpretation of "bona fide nominee." It does not, however, require the obtaining of the written consents of nominees.

Rule 14a–6. Paragraph (a) of Rule 14a–6 (17 CFR 240.14a–6) provides that preliminary soliciting material shall be filed with the Commission at least 10 days prior to the date definitive material is first sent or given to security holders. A new sentence has been added to this paragraph to make it clear that in computing the 10-day period, the filing date is to be regarded as the first day, and the eleventh day is the date on which definitive material may be sent.

Rule 14a–6 has been further amended by adding thereto notes suggesting certain procedures which will enable the staff to expedite the processing of proxy material.

Paragraph (e) of Rule 14a–6 provides that copies of preliminary proxy material filed with the Commission shall be for the information of the Commission only. This paragraph has been amended to make clear that such material does not at any subsequent time become available for public inspection.

Rule 14a–8. Rule 14a–8 (17 CFR 240.14a–8) provides that any security holder may, subject to certain prescribed limitations, require the management to include in its proxy material any appropriate proposal which such security holder desires to submit to a vote of security holders.

Paragraph (a) of the rule previously required a security holder to submit his proposal to the management of the issuer "a reasonable time before the solicitation is made" and provided that a proposal submitted more than 60 days in advance of a day corresponding to the first date on which management proxy solicitation material was released to security holders in connection with the last annual meeting shall prima facie be deemed to have been submitted a reasonable time prior to the solicitation. Paragraph (a) has been amended to provide that proposals not submitted prior to the beginning of such 60-day period may be omitted from the management's proxy material.

Paragraph (a) provides that the rule does not apply to elections to office. It has been further amended to provide also that the rule does not apply to counter proposals to any matter to be submitted by the management.

Paragraph (b) of the rule previously required the management to include in its proxy material the name and address of a security holder who has submitted a proposal which is included in such material. This paragraph has been amended to permit the issuer to omit the name and address of the proponent provided a statement is contained in the proxy material to the effect that the name and address of the proponent will be promptly furnished to any person, upon receipt of any oral or written request therefor, by the issuer or the Commission. The amended rule requires management to inform the Commission at the time of filing of preliminary soliciting material of the name and address of any proponent where such information has been omitted.

Rule 14a–11. Paragraph (b) of Rule 14a–11 (17 CFR 240.14a–11) defines the terms "participant" and "participant in a solicitation." Previously a proviso following subparagraph (b)(6) excluded certain persons from the definition of those terms. The proviso has been made a separate paragraph so it will be clear that it does not relate only to subparagraph (b)(6).

SCHEDULE 14A

Schedule 14A (17 CFR 240.14a–101) specifies the information required to be set forth in the proxy statement required by Rule 14a–3 (17 CFR 240.14a–3). The note, redesignated Note A, set forth at the beginning of Schedule 14A provides that where any matter to be acted upon involves other matters, all pertinent items shall be answered. The second sentence of the note has been amended to make clear the circumstances under which a merger, consolidation or acquisition or disposition of assets is deemed to require that Items 6 and 7 be answered.

Two new general notes, designated Notes B and C, have been added to Schedule 14A. Note B provides that where any item calls for information with respect to any matter to be acted upon at the meeting, the item need be answered in the management's material only with respect to proposals to be made by or on behalf of the management. Note C indicates more specifically the persons and the periods for which the information called for by certain items is to be given. Heretofore, the provisions of Note C were set forth as instructions to certain items, but did not apply to all items to which they are appropriate.

The following items of Schedule 14A have been amended in the respects indicated below.

Item 5. Paragraph (e) of Item 5 calls for a description of any change in control of the issuer since the beginning of its last fiscal year. A phrase has been added to make it clear that such description is required only to the extent the information is known to the persons on whose behalf the solicitation is made.

Paragraph (f) of Item 5 calls for a description of any contractual arrange-

ments which may at a subsequent date result in a change in control of the issuer. A phrase has been added to make it clear that such description is required only to the extent such arrangements are known to the persons on whose behalf the solicitation is made. An instruction has also been added which provides that information need not be given with respect to certain default provisions in the charter, trust indentures or other governing instruments relating to securities of the issuer.

Item 6. This item requires certain disclosures with respect to nominees for election as directors and directors continuing in office where action is to be taken with respect to the election of directors. A new paragraph (c) to the item requires, where fewer nominees are named than the number provided for in the governing documents, a statement of the reason for such procedure and that the proxies cannot be voted for a greater number of nominees than the number named. This proposal merely incorporates present administrative practice.

Item 7(a). Instruction 1 to Item 7(a) has been deleted since the subject matter of that instruction is now contained in Note C at the beginning of Schedule 14A. The remaining instructions have been renumbered accordingly.

Item 7(b). Item 7(b) calls for information in regard to pension or retirement benefits proposed to be paid to directors or officers whose individual remuneration is required to be given under Item 7(a). Item 7(b) has been amended to require that proposed pension or retirement benefits be shown for directors and officers as a group in certain cases.

Item 7(d). Item 7(d) calls for information with respect to options granted to or exercised by officers and directors of the issuer. The amendment to this item requires disclosure of the amount of options held as of the latest practicable date by each officer and director named in answer to Item 7(a) and the amount held by all officers and directors as a group. This information, together with that regarding options granted and exercised, gives a more complete picture of remuneration, actual and prospective. When the option price was less than the market price on the date of granting, such fact and such market price must also be given. Appendix A (17 CFR 240.14a–103) provides a form which may be used in furnishing the required information.

Item 7(e). Item 7(e) calls for information with respect to indebtedness of insiders to the issuer or its subsidiaries. A new instruction to this item codifies current administrative practice of permitting modified disclosure with respect to loans made by bank subsidiaries of bank holding companies. An additional instruction codifies current administrative practice relating to the disclosure of indebtedness arising under section 16(b) of the Act.

Item 7(f). Item 7(f) requires disclosure with respect to transactions with the issuer or any of its subsidiaries in which officers, directors, nominees for election as director and certain other specified persons had a material interest. Instruction 1 has been deleted since the subject matter of this instruction is contained in Note C set forth at the beginning of Schedule 14A. The remaining instructions have been renumbered accordingly. New Instruction 1 has been amended to make clear that when information may be omitted under certain other items, it need not be set forth under Item 7(f).

Instruction 3 which permits the omission of information with respect to certain interests has been amended to make clear the kind of interests referred to.

A previous provision of Instruction 3 which permitted the omission of information with respect to certain transactions not in excess of $30,000 has been deleted since the omission of information with respect to such transactions is permitted by Instruction 2. The deleted provision was therefore unnecessary.

A new Instruction 6 has been added to make clear that in addition to the information which may be omitted under the instructions to the item, there may be other situations where the interest of a specified person in a particular transaction may not be material and may therefore not be required to be disclosed in response to the item.

Item 7(g). A new paragraph (g) which has been added to Item 7 requires disclosure of transactions between certain employee plans provided by the issuer, or its parents or subsidiaries, and certain insiders of the issuer or the issuer or its subsidiaries, since such use of funds provided by companies for the benefit of employees is deemed to be of material interest to security holders.

The instructions permit the omission of information with respect to certain interests and transactions which are not deemed to be of material interest to security holders. Thus, information is not required with respect to payments to the plan or to beneficiaries pursuant to the terms of the plan or payments of limited amounts of remuneration for services to the plan. Since the registrant and its subsidiaries have a general interest in the success of the plan, it may be said that they have an interest in all transactions with the plan regardless of the parties thereto. The instructions provide that such indirect interests need not be disclosed.

Items 9, 10, and 11. These items require disclosure with respect to proposals for certain bonus, profit-sharing and other remuneration plans; pension and retirement plans; and options, warrants or rights, when security holder action is to be taken with respect to such matters. These items have been amended to indicate more clearly the types of existing plans for which disclosure is required.

Item 9 has been further amended by deleting subparagraph (c) of instruction 3 and inserting a new subparagraph (c) which is also applicable to Items 10 and 11 by cross reference to this instruction. Instruction 4 to Item 11 has been deleted, and instruction 5 has been renumbered as instruction 4. The purpose of the amendment is to make clear that information in regard to the granting of options is required for 5 years, in lieu of the information for 1 year required by Item 7(d) (1) and (2), and to call for information regarding the exercise of options during the period. In addition, the instruction would specify the information required where employees are eligible to participate in the plan.

Item 12. Where action is to be taken with respect to the authorization or issuance of securities (otherwise than in exchange for outstanding securities of the issuer), this item calls for a description of such securities and of the proposed transaction. Paragraph (b) of the item has been amended to codify the current administrative practice of requiring a statement that certain terms of the securities will be determined by the board of directors at some future date, where no offering is contemplated in the proximate future and no further authorization from security holders is to be obtained. The administrative practice of permitting a statement in the form of an opinion of counsel concerning the existence and extent of preemptive rights where the statutory provisions with respect to such rights are indefinite or complex has also been codified in the rule.

Item 13. Where action is to be taken with respect to the modification of any class of securities of the issuer or the issuance or authorization of securities to be issued in exchange for outstanding securities of the issuer, this item requires a complete description of the terms and effect of such action. A new instruction has been added to the item requiring a statement whether it is intended to apply for registration and listing on a national securities exchange of the new or reclassified security or security exchanged for an existing security which is presently registered and listed and, if not, the effect of termination of registration. This proposal codifies current administrative practice.

Item 14. Item 14 requires disclosure of certain information in regard to mergers, consolidations, acquisitions and similar matters where action is to be taken on such matters. This item has been amended to make clear that the detailed information required by Item 14(b) need not be given when a merger involves only the issuer and one or more of its totally held subsidiaries. Following the caption of the item there has been added a reference to the note at the beginning of Schedule 14A. This reference is intended to assist persons preparing proxy material but not to limit the applicability of Item 14.

Item 15. Item 15 sets forth the requirements concerning the financial statements which must be furnished where shareholder action is to be taken with respect to matters specified in Items 12, 13, or 14. The instructions to this item have been amended to provide that where certified financial statements are required, one copy of the definitive proxy material filed with the Commission shall include a manually signed copy of the accountant's certificate. This merely incorporates the administrative practice in this respect. The instructions have also

been amended to permit the omission of financial statements in situations where the detailed information called for by Item 14(b) may be omitted; namely, where the plan involves only the issuer and one or more of its totally held subsidiaries.

Item 20. Item 20 requires disclosure of the reasons for and general effect of amendments to the issuer's charter, by-laws, or other documents where security holder action on such amendments is to be taken. A new instruction has been added to the item requiring a statement whether directors are authorized to fill vacancies for the remainder of a full term where proxies are solicited to vote upon the classification of directors. This proposal codifies current administrative practice.

SCHEDULE 14B

Schedule 14B (17 CFR 240.14a–102) specifies the information to be included in statements required by Rule 14a–11 (17 CFR 240.14a–11) to be filed for each participant in a contest involving elections to office. Item 3(c) of Schedule 14B previously called for information with respect to acquisitions within 2 years of securities held at the time of filing the Schedule 14B. The item as amended calls for information with respect to purchases and sales of all securities of the issuer purchased or sold within the past 2 years, whether such securities are held at the time of filing the schedule or not. The purpose of the amendment is to reveal trading in securities prior to the time the participant is required to file a Schedule 14B.

REGULATION 14C

Regulation 14C (17 CFR 240.14c–1 et seq.) provides that in connection with every annual or other meeting of holders of a class of securities registered pursuant to section 12 of the Act the issuer shall transmit a written information statement to every security holder who is entitled to vote in regard to any matter to be acted upon at the meeting and from whom a proxy is not solicited on behalf of management. Such information statement is required to contain substantially the same information as that which would be required in a proxy statement if proxies were solicited. The amendments to Schedule 14A (17 CFR 240.14a–101) described above are applicable also to Schedule 14C (17 CFR 240.14c–101) by virtue of Item 1 of Schedule 14C which incorporates the requirements of Schedule 14A. In addition, to maintain consistency between these regulations, Rules 14c–3 (17 CFR 240.14c–3) and 14c–5 (17 CFR 240.14c–5) and Item 5 of Schedule 14C have been amended to conform with the amendments to Rules 14a–3 (17 CFR 240.14a–3), 14a–6 (17 CFR 240.14a–6), and 14a–8 (17 CFR 240.14a–8), respectively.

Commission action. The Securities and Exchange Commission acting pursuant to the Securities Exchange Act of 1934, particularly sections 14(a), 14(c), and 23(a) thereof, hereby amends Title 17 Code of Federal Regulations sections 240.14a–3, 240.14a–4, 240.14a–6, 240.14a–8, 240.14a–11, 240.14a–101, 240.14a–102, 240.14c–3, 240.14c–5, and 240.14c–101, and hereby adopts Section 240.14a–103, to read as set forth below.

Effective date. The foregoing amendment shall apply to any solicitation of proxies, authorizations or consents pursuant to section 14(a) which is commenced after February 15, 1968, and any information statement or other material transmitted to security holders pursuant to section 14(c) after that date.

By the Commission, December 14, 1967.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AMENDMENTS TO REGULATIONS 14A AND 14C

REGULATION 14A—SOLICITATION OF PROXIES

§ 240.14a–3 Information to be furnished security holders.

* * * * *

NOTE. To assist the staff, managements of issuers are requested to indicate in a letter transmitting to the Commission copies of their annual reports to shareholders or in a separate letter at or about the time the annual report is furnished to the Commission, whether the financial statements in the report reflect a change from the preceding year in any accounting principles or practices or in the method of applying any such principles or practices.

§ 240.14a–4 Requirements as to proxy.

* * * * *

(b) * * *

(2) A form of proxy which provides both for the election of directors and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for the election of directors. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of directors shall be deemed to grant such authority, provided the form of proxy so states in bold-face type.

Instruction. Subparagraph (2) of this paragraph does not apply (i) in the case of a merger, consolidation or other plan if the election of directors is an integral part of the plan and is not to be separately voted upon or (ii) if the only matters to be acted upon are the election of directors and the election, selection or approval of other persons such as clerks or auditors.

(c) A proxy may confer discretionary authority to vote with respect to any of the following matters:

(1) Matters which the persons making the solicitation do not know, a reasonable time before the solicitation, are to be presented at the meeting, if a specific statement to that effect is made in the proxy statement or form of proxy;

(2) Approval of the minutes of the prior meeting if such approval does not amount to ratification of the action taken at that meeting;

(3) The election of any person to any office for which a bona fide nominee is named in the proxy statement and such nominee is unable to serve or for good cause will not serve.

(4) Any proposal omitted from the proxy statement and form of proxy pursuant to § 240.14a–8 or § 240.14a–9.

(5) Matters incident to the conduct of the meeting.

(d) No proxy shall confer authority (1) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (2) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as such unless he has consented to being named in the proxy statement and to serve if elected.

* * * * *

§ 240.14a–6. Material required to be filed.

(a) Five preliminary copies of the proxy statement and form of proxy and any other soliciting material to be furnished to security holders concurrently therewith shall be filed with the Commission at least 10 days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period prior to that date as the Commission may authorize upon a showing of good cause therefor. In computing the 10-day period the filing date of the preliminary material is to be counted as the first day and the 11th day is the date on which definitive material may be mailed to security holders.

NOTE: The officials responsible for the preparation of the preliminary material should make every effort to verify the accuracy and completeness of the information required by the applicable rules. The preliminary material should be filed with the Commission at the earliest practicable date. It should be accompanied by a letter, over the signature of an officer of the company or its counsel, stating whether the current preliminary material merely reflects an updating of the prior year's material (e.g., changes in the board of directors or nominees for election to the board) or includes changes of a material nature. All changes from the previously filed material should be identified in an accompanying marked copy of the proxy statement. If a change is material, the letter should include any explanatory comment which may be of assistance in the expeditious processing of the material.

* * * * *

(c) * * *

NOTE: The definitive material filed with the Commission should be accompanied by a letter indicating any material changes which have been made therein, other than those made in response to the staff's comments and, whenever possible, should also be accompanied by a marked copy of the definitive material indicating all changes made therein.

* * * * *

(e) All copies of material filed pursuant to paragraph (a) or (b) of this section shall be clearly marked "Preliminary Copies", shall be for the information of the Commission only and shall not be deemed available for public inspection except that such material may be disclosed to any department or agency of the U.S. Government and the Commission may make such inquiries or investigation

in regard to the material as may be necessary for an adequate review thereof by the Commission. All preliminary material filed pursuant to paragraph (a) or (b) of this section shall be accompanied by a statement of the date on which definitive copies thereof filed pursuant to paragraph (c) of this section are intended to be released to security holders. All definitive material filed pursuant to paragraph (c) of this section shall be accompanied by a statement of the date on which copies of such material have been released to security holders or, if not released, the date on which copies thereof are intended to be released. All material filed pursuant to paragraph (d) of this section shall be accompanied by a statement of the date on which copies thereof are intended to be released to the individuals who will make the actual solicitation.

* * * * *

§ 240.14a–8 Proposals of security holders.

(a) If any security holder entitled to vote at a meeting of security holders of the issuer shall submit to the management of the issuer, within the time hereinafter specified, a proposal which is accompanied by notice of his intention to present the proposal for action at the meeting, the management shall set forth the proposal in its proxy statement and shall identify it in its form of proxy and provide means by which security holders can make the specification provided for by Rule 14a–4(b) (§ 240.14a–4(b)). The management of the issuer shall not be required by this rule to include the proposal in its proxy statement for an annual meeting unless the proposal is submitted to the management not less than 60 days in advance of a day corresponding to the first date on which the management's proxy soliciting material was released to security holders in connection with the last annual meeting of security holders, except that if the date of the annual meeting has been changed as a result of a change in the fiscal year, a proposal shall be submitted a reasonable time before the solicitation is made. A proposal to be presented at any other meeting shall be submitted to the management of the issuer a reasonable time before the solicitation is made. This section does not apply, however, to elections to office or to counter proposals to matters to be submitted by the management.

(b) If the management opposes the proposal it shall also, at the request of the security holder, include in its proxy statement a statement of the security holder, in not more than 100 words, in support of the proposal, which statement shall not include the name and address of the security holder. The proxy statement shall also include either the name and address of the security holder or a statement that such information will be furnished by the issuer or by the Commission to any person, orally or in writing as requested, promptly upon the receipt of any oral or written request therefor. If the name and address of the security holder is omitted from the proxy statement, it shall be furnished to the Commission at the time of filing the management's preliminary proxy material pursuant to Rule 14a–6(a) (§ 240.14a–6(a)). The statement and request of the security holder shall be furnished to the management at the same time that the proposal is furnished. Neither the management nor the issuer shall be responsible for such statement.

* * * * *

§ 240.14a–11 Special provisions applicable to election contests.

* * * * *

(b) * * *

(6) Any person who solicits proxies. The foregoing terms do not, however, include (i) any person or organization retained or employed by a participant to solicit security holders and whose activities are limited to the performance of his duties in the course of such employment; (ii) any person who merely transmits proxy soliciting material or performs other ministerial or clerical duties; (iii) any person employed by a participant in the capacity of attorney, accountant, or advertising, public relations or financial adviser, and whose activities are limited to the performance of his duties in the course of such employment; (iv) any person regularly employed as an officer or employee of the issuer or any of its subsidiaries who is not otherwise a participant; or (v) any officer or director of, or any person regularly employed by, any other participant, if such officer, director or employee is not otherwise a participant.

* * * * *

§ 240.14a–101 Schedule 14A. Information required in proxy statement.

NOTES: A. Where any item calls for information with respect to any matter to be acted upon and such matter involves other matters with respect to which information is called for by other items of this schedule, the information called for by such other items shall also be given. For example, a merger, consolidation, or acquisition or disposition of assets specified in Item 14, in which the security holders to be solicited will become or continue to be security holders of the surviving or acquiring company, shall be deemed to involve the election of directors if any person who will serve as a director of such company was not elected to such office by security holders of the issuer of the securities in respect of which proxies are to be solicited. In such case, Items 6 and 7 shall be answered with respect to each such person who will serve as a director of the surviving or acquiring company.

B. Where any item calls for information with respect to any matter to be acted upon at the meeting, such item need be answered in the management's soliciting material only with respect to proposals to be made by or on behalf of the management of the issuer.

C. Except as otherwise specifically provided, where any item calls for information for a specified period in regard to directors, officers or other persons holding specified positions or relationships, the information shall be given in regard to any person who held any of the specified positions or relationships at any time during the period. However, information need not be included for any portion of the period during which such person did not hold any such position or relationship provided a statement to that effect is made.

* * * * *

Item 5. Voting securities and principal holders thereof.

* * * * *

(e) If to the knowledge of the persons on whose behalf the solicitation is made, a change in control of the issuer has occurred since the beginning of its last fiscal year, state the name of the person or persons who acquired such control, the basis of such control, the date and a description of the transaction or transactions in which control was acquired and the percentage of voting securities of the issuer now owned by such person or persons.

(f) Describe any contractual arrangements, including any pledge of securities of the issuer or any of its parents, known to the persons on whose behalf the solicitation is made, the operation of the terms of which may at a subsequent date result in a change in control of the issuer.

Instruction. Paragraph (f) does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the issuer.

Item 6. Nominees and directors.

* * * * *

(c) If fewer nominees are named than the number fixed by or pursuant to the governing instruments, state the reasons for this procedure and that the proxies cannot be voted for a greater number of persons than the number of nominees named.

Item 7. Remuneration and other transactions with management and others. (See Note C at the beginning of this section.)

* * * * *

(a) (No change in the text of the body of this item, but Instruction 1 has been deleted and Instructions 2, 3, and 4 have been renumbered 1, 2, and 3)

(b) Furnish the following information in substantially the tabular form indicated as to all annuity, pension, or retirement benefits proposed to be paid to the following persons in the event of retirement at normal retirement date pursuant to any existing plan provided or contributed to by the issuer or any of its subsidiaries:

(1) Each director or officer named in answer to paragraph (a)(1), naming each such person.

(2) All directors and officers of the issuer who are eligible for such benefits, as a group, stating the number of persons in the group without naming them.

Col. (A)	Col. (B)	Col. (C)
Name of individual or number of persons in group	Amount set aside or accrued during issuer's last fiscal year	Estimated annual benefits upon retirement

Instructions. 1. The term "plan" in this paragraph and in paragraph (c) includes all plans, contracts, authorizations or arrangements, whether or not set forth in any formal document.

2. Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service. In such case, Columns (A) and (C) need not be answered with respect to directors and officers as a group.

3. The information called for by Column (C) may be given in the form of a table showing the annual benefits payable upon

retirement to persons in specified salary classifications.

4. In the case of any plan (other than those specified in Instruction 2) where the amount set aside each year depends upon the amount of earnings of the issuer or its subsidiaries for such year or a prior year, or where it is otherwise impracticable to state the estimated benefits upon retirement, there shall be set forth, in lieu of the information called for by Column (C), the aggregate amount set aside or accrued to date, unless it is impracticable to do so, in which case there shall be stated the method of computing such benefits.

* * * * *

(d) Furnish the following information as to all options to purchase any securities from the issuer or any of its subsidiaries which were granted to or exercised by the following persons since the beginning of the issuer's last fiscal year, and as to all options held by such persons as of the latest practicable date: (i) Each director or officer named in answer to paragraph (a)(1), naming each such person; and (ii) all directors and officers of the issuer as a group, without naming them:

(1) As to options granted during the period specified (i) state the title and aggregate amount of securities called for; (ii) state the average option price per share and (iii) if the option price was less than 100 percent of the market value of the security on the date of grant, such fact and the market price on such date shall be disclosed.

(2) As to options exercised during the period specified, state (i) the title and aggregate amount of securities purchased; (ii) the aggregate purchase price and (iii) the aggregate market value of the securities purchased on the date of purchase.

(3) As to all unexercised options held as of the latest practicable date, regardless of when such options were granted, state (i) the title and aggregate amount of securities called for, and (ii) the average option price per share.

Instructions. 1. The term "options" as used in this paragraph (d) includes all options, warrants or rights, other than those issued to security holders as such on a pro rata basis. Where the average option price per share is called for, the weighted average price per share shall be given.

2. The extension, regranting or material amendment of options shall be deemed the granting of options within the meaning of this paragraph.

3. (i) Where the total market value on the granting dates of the securities called for by all options granted during the period specified does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1), or $30,000 for all officers and directors as a group, this item need not be answered with respect to options granted to such person or group. (ii) Where the total market value on the dates of purchase of all securities purchased through the exercise of options during the period specified does not exceed $10,000 for any such person or $30,000 for such group, this item need not be answered with respect to options exercised by such person or group. (iii) Where the total market value as of the latest practicable date of the securities called for by all options held at such time does not exceed $10,000 for any such person or $30,000 for such group, this item need not be answered with respect to options held as of the specified date by such person or group.

4. The information called for by this paragraph may be furnished in the form of the table set forth in Appendix A (§ 240.14a-103). In such case, the information need be furnished only for the period specified in this paragraph and information need not be included as to shares sold during the period. However, if Item 9, 10, or 11 is required to be answered, all of the information specified in Appendix A must be furnished for the 5-year period referred to therein and need not be separately furnished for the period specified in this paragraph.

(e) * * *

Instructions. 1. Include the name of each person whose indebtedness is described and the nature of the relationship by reason of which the information is required to be given.

* * * * *

3. Notwithstanding Instruction 2, if the issuer or any of its subsidiaries is engaged primarily in the business of making loans and loans to any of the specified persons in excess of $10,000 or 1 percent of its total assets, whichever is less, were outstanding at any time during the period specified, such loans shall be disclosed. However, if the lender is a bank, such disclosure may consist of a statement, if such is the case, that the loans to such persons (i) were made in the ordinary course of business, (ii) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other persons, and (iii) did not involve more than normal risk of collectibility or present other unfavorable features.

4. If to the knowledge of the persons on whose behalf the solicitation is made, any indebtedness required to be described arose under Section 16(b) of the Act and has not been discharged by payment, state the amount of any profit realized, that such profit will inure to the benefit of the issuer or its subsidiaries and whether suit will be brought or other steps taken to recover such profit. If in the opinion of counsel a question reasonably exists as to the recoverability of such profit, it will suffice to state all facts necessary to describe the transaction, including the prices and number of shares involved.

* * * * *

Instructions. 1. No information need be given in response to this Item 7(f) as to any remuneration or other transaction reported in response to Item 7 (a), (b), (c), (d), or (e), or as to any transaction with respect to which information may be omitted pursuant to Instruction 2 to Item 7(b), the instruction to Item 7(c), Instruction 3 to Item 7(d) or Instruction 2 or 3 to Item 7(e).

* * * * *

3. It should be noted that this item calls for disclosure of indirect, as well as direct, material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity, which engages in a transaction with the issuer or its subsidiaries may have an indirect interest in such transaction by reason of such position or relationship. However, a person shall be deemed not to have a material indirect interest in a transaction within the meaning of this Item 7(f) where—

(a) the interest arises only (i) from such person's position as a director or another corporation or organization (other than a partnership) which is a party to the transaction, or (ii) from the direct or indirect ownership by such person and all other persons specified in subparagraphs (1) through (4) above, in the aggregate, of less than a 10 percent equity interest in another person which is a party to the transaction, or (iii) from both such position and ownership;

(b) the interest arises only from such person's position as a limited partner in a partnership in which he and all other persons specified in (1) through (4) above had an interest of less than 10 percent; or

(c) the interest of such person arises solely from the holding of an equity interest (including a limited partnership interest) or a creditor interest in another person which is a party to the transaction with the issuer or any of its subsidiaries and the transaction is not material to such other person.

* * * * *

6. The foregoing instructions specify certain transactions and interests as to which information may be omitted in answering this item. There may be situations where, although the foregoing instructions do not expressly authorize nondisclosure, the interest of a specified person in the particular transaction or series of transactions is not a material interest. In that case, information regarding such interest and transaction is not required to be disclosed in response to this item.

(g) Describe briefly any transactions since the beginning of the issuer's last fiscal year or any presently proposed transactions, to which any pension, retirement, savings or similar plan provided by the issuer, or any of its parents or subsidiaries, was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the issuer, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the issuer;

(2) Any nominee for election as a director;

(3) Any security holder named in answer to Item 5(d);

(4) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the issuer; or

(5) The issuer or any of its subsidiaries.

Instructions. 1. Instructions 2, 3, 4, and 5 to Item 7(f) shall apply to this Item 7(g).

2. Without limiting the general meaning of the term "transaction" there shall be included in answer to this item any remuneration received or any loans received or outstanding during the period, or proposed to be received.

3. No information need be given in answer to paragraph (g) with respect to—

(a) payments to the plan, or payments to beneficiaries, pursuant to the terms of the plan;

(b) payment of remuneration for services not in excess of 5 percent of the aggregate remuneration received by the specified person during the issuer's last fiscal year from the issuer and its subsidiaries; or

(c) any interest of the issuer or any of its subsidiaries which arises solely from its general interest in the success of the plan.

* * * * *

Item 9. Bonus, profit sharing and other remuneration plans.

* * * * *

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 5 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all present directors and officers of the issuer as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

(e) * * *

Instructions.

* * * * *

3. The following instructions shall apply to paragraph (d):—

* * * * *

(c) If action is to be taken with respect to any plan in which directors or officers may participate, the information called for by Item 7(d) (1) and (2) shall be furnished for the last 5 fiscal years of the issuer and any period subsequent to the end of the latest such fiscal year, in aggregate amounts for the entire period for each such person and group. If any named person, or any other director or officer, purchased securities through the exercise of options during such period, state the aggregate amount of securities of that class sold during the period by such named person and by such named person and such other directors and officers as a group. The information called for by this Instruction 3(c) is in lieu of the information since the beginning of the issuer's last fiscal year called for by Item 7(d) (1) and (2). If employees may participate in the plan to be acted upon, state the aggregate amount of securities called for by all options granted to employees during the 5-year period and, if the options were other than "restricted" or "qualified" stock options or options granted pursuant to an "employee stock purchase plan", as the quoted terms are defined in sections 422 through 424 of the Internal Revenue Code, state that fact and the weighted average option price per share. The information called for by this instruction may be furnished in the form of the table illustrated in Appendix A (§ 240.14a–103). See Instruction 1 to Item 7(d).

4. If the plan to be acted upon is set forth in a written document, three copies thereof shall be filed with the Commission at the time preliminary copies of the proxy statement and form of proxy are filed pursuant to paragraph (a) of Rule 14a–6 (§ 240.14a–6).

Item 10. Pension and retirement plans.

* * * * *

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation or other remuneration or incentive plans, now in effect or in effect within the past five years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all present directors and officers of the issuer as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

* * * * *

Item 11. Options, warrants, or rights.

* * * * *

(c) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 5 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all present directors and officers of the issuer as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

Instructions.

* * * * *

4. If the options described in answer to this item are issued pursuant to a plan which is set forth in a written document, three copies thereof shall be filed with the Commission at the time preliminary copies of the proxy statement and form of proxy are filed pursuant to paragraph (a) of § 240.14a–6.

NOTE: The Commission should be informed, as supplemental information, when the proxy statement in preliminary form is filed, as to when the options, warrants or rights and the shares called for thereby will be registered under the Securities Act of 1933, or if such registration is not contemplated the section of the Act or rule of the Commission under which exemption from such registration is claimed and the facts relied upon to make the exemption available.

5. [Deleted]

Item 12. Authorization or issuance of securities otherwise than for exchange.

If action is to be taken with respect to the authorization or issuance of any securities otherwise than for exchange for outstanding securities of the issuer, furnish the following information:

* * * * *

(b) Furnish a description of the securities such as would be required to be furnished in an application on the appropriate form for their registration on a national securities exchange. If the terms of the securities cannot be stated or estimated with respect to any or all of the securities to be authorized, because no offering thereof is contemplated in the proximate future, and if no further authorization by security holders for the issuance thereof is to be obtained, it should be stated that the terms of the securities to be authorized, including dividend or interest rates, conversion prices, voting rights, redemption prices, maturity dates, and similar matters will be determined by the board of directors. If the securities are additional shares of common stock of a class outstanding, the description may be omitted except for a statement of the preemptive rights, if any. Where the statutory provisions with respect to preemptive rights are so indefinite or complex that they cannot be stated in summarized form, it will suffice to make a statement in the form of an opinion of counsel as to the existence and extent of such rights.

* * * * *

Item 13. Modification or exchange of securities.

* * * * *

(e) * * *

Instruction. If the existing security is presently listed and registered on a national securities exchange, state whether it is intended to apply for listing and registration of the new or reclassified security on such exchange or any other exchange. If it is not intended to make such application, state the effect of the termination of such listing and registration.

Item 14. Mergers, consolidations, acquisitions, and similar matters. (See Note A at the beginning of this section.)

* * * * *

(b) Furnish the following information as to the issuer and each person which is to be merged into the issuer or into or with which the issuer is to be merged or consolidated or the business or assets of which are to be acquired or which is the issuer of securities to be acquired by the issuer in exchange for all or a substantial part of its assets or to be acquired by security holders of the issuer. What is required is information essential to an investor's appraisal of the action proposed to be taken.

* * * * *

(7) * * *

Instructions.

* * * * *

4. Paragraph (b) shall not apply if the plan described in answer to paragraph (a) involves only the issuer and one or more of its totally held subsidiaries.

* * * * *

Item 15. Financial statements.

(a) If action is to be taken with respect to any matter specified in Item 12, 13, or 14 above, furnish certified financial statements of the issuer and its subsidiaries such as would currently be required in an original application for the registration of securities of the issuer under the Act. All schedules other than the schedules of supplementary profit and loss information may be omitted.

Instructions. 1. Such statements shall be prepared and certified in accordance with Regulation S–X (Part 210 of this chapter). One copy of the definitive proxy statement filed with the Commission shall include a manually signed copy of the accountant's certificate.

2. Such statements may be omitted with respect to a plan described in answer to Item 14(a) if the plan involves only the issuer and one or more of its totally held subsidiaries.

(b) If action is to be taken with respect to any matter specified in Item 14(b), furnish for each person specified therein, other than the issuer, financial statements such as would currently be required in an original registration statement for registration of securities of such person pursuant to section 12 of the Act. Such statements shall be certified if practicable. Notwithstanding the foregoing, the following may be omitted: (1) All schedules other than schedules of supplementary profit and loss information; (2) statements for any totally held subsidiary of the issuer which is included in the consolidated statement of the issuer and its subsidiaries, and (3) statements for a person which is to succeed to the issuer, or to the issuer and one or more of its totally held subsidiaries, provided the capital structure and balance sheet of the successor immediately after the succession will be substantially the same as those of the issuer or the combined capital structures and balance sheets of the issuer and its totally held subsidiaries, as the case may be.

Instructions. 1. Such statements shall be prepared in accordance with Regulation S–X (Part 210 of this chapter) and, if certified, shall be certified in accordance with that regulation and one copy of the definitive proxy statement filed with the Commission shall include a manually signed copy of the accountant's certificate.

2. Instruction 2 to paragraph (a) shall apply to this paragraph.

* * * * *

(d) * * *

Item 20. Amendment of charter, bylaws of other documents. (No change in the text of the item; the following new instruction is added to the item.)

Instruction. Where the matter to be acted upon is the classification of directors, state whether vacancies which occur during the year may be filled by the board of directors to serve only until the next annual meeting or may be so filled for the remainder of the full term.

* * * * *

§ 240.14a–102 Schedule 14B. Information to be included in statements filed by or on behalf of a participant (other than the issuer) pursuant to § 240.14a–11(c) (Rule 14a–11(c)).

Instructions.

* * * * *

Item 3. Interests in securities of the issuer.

* * * * *

(c) State with respect to all securities of the issuer purchased or sold within the past

2 years, the dates on which they were purchased or sold and the amount purchased or sold on each such date.

* * * * *

§ 240.14a–103 Appendix A (to Schedule 14A (§ 240.14a–101)).

The table set forth below is an illustration of the presentation in tabular form of the information required (in § 240.14a–101), by Item 7(d) and Instruction 3(c) to Item 9(d), which also applies to Items 10(d) and 11(c). If only Item 7(d) applies and Items 9, 10, and 11 are inapplicable, information need only be furnished for the period specified in Item 7(d), information as to shares sold may be omitted, and the reference at the foot of the table to options granted to employees may be omitted. See Instruction 4 to Item 7(d). Other tabular presentations are, of course, acceptable if they include the necessary data. Tabular presentation may not be needed if only a very few options have been granted.

"The following tabulation shows as to certain directors and officers and as to all directors and officers as a group (i) the amount of options granted since the beginning of the fifth previous full fiscal year, (ii) the amount of shares acquired since that date through the exercise of options granted since that date or prior thereto, (iii) the amount of shares sold during such period of the same class as those so acquired, and (iv) the amount of shares subject to all unexercised options held as of ----------."

(Insert date)

Common shares [1]	John Jones	James Smith	Richard Roe	All directors and officers as a group
Granted—196.. to date: Number of shares				
Average per share option price	$	$	$	$
Exercised—196.. to date: Number of shares				
Aggregate option price of options exercised	$	$	$	$
Aggregate market value of shares on date options exercised	$	$	$	$
Sales—196.. to date: Number of shares				(2)
Unexercised at ----- 196..: Number of shares				
Average per share option price	$	$	$	$

In addition, during the period employees were granted options for ..... share at an average option price per share of $.....

[1] All common share figures have been adjusted in accordance with the terms of the options to reflect the stock split in 19.., and, where applicable, to give effect to share dividends.

[2] Sales by directors and officers who exercised options during the period 19.. to date.

REGULATION 14C—DISTRIBUTION OF INFORMATION PURSUANT TO SECTION 14(c)

§ 240.14c–3 Annual report to be furnished security holders.

* * * * *

NOTE. To assist the staff, managements of issuers are requested to indicate in a letter transmitting to the Commission copies of their annual reports to shareholders or in a separate letter at or about the time the annual report is furnished to the Commission, whether the financial statements in the report reflect a change from the preceding year in any accounting principles or practices or in the method of applying any such principles or practices.

§ 240.14c–5 Filing of information statement.

(a) Five preliminary copies of the information statement shall be filed with the Commission at least 10 days prior to the date definitive copies of such statement are first sent or given to security holders, or such shorter period prior to that date as the Commission may authorize upon a showing of good cause therefor. In computing the 10-day period, the filing date of the preliminary copies is to be counted as the first day and the 11th day is the date on which definitive copies of the information statement may be mailed to security holders.

NOTE: The officials responsible for the preparation of the information statement should make every effort to verify the accuracy and completeness of the information required by the applicable rules. The preliminary statement should be filed with the Commission at the earliest practicable date. It should be accompanied by a letter, over the signature of an officer of the company or its counsel, stating whether the current preliminary statement merely reflects an updating of the prior year's statement (e.g., changes in the board of directors or nominees for election to the board) or includes changes of a material nature. All changes from the previously filed statement should be identified in an accompanying marked copy of the preliminary statement. If a change is material, the letter should include any explanatory comment which may be of assistance in the expeditious processing of the statement.

(b) * * *

NOTE: The definitive information statement filed with the Commission should be accompanied by a letter indicating any material changes which have been made therein, other than those made in response to the staff's comments and, whenever possible, should also be accompanied by a marked copy of the definitive statement indicating all changes made therein.

(c) All copies of material filed pursuant to paragraph (a) of this section shall be clearly marked "Preliminary Copies", shall be for the information of the Commission only and shall not be deemed available for public inspection except that such material may be disclosed to any department or agency of the U.S. Government and the Commission may make such inquiries or investigation in regard to the material as may be necessary for an adequate review thereof by the Commission. All preliminary material filed pursuant to paragraph (a) of this section shall be accompanied by a statement of the date on which copies thereof filed pursuant to paragraph (b) of this section are intended to be released to security holders. All definitive material filed pursuant to paragraph (b) of this section shall be accompanied by a statement of the date on which copies of such material have been released to security holders or, if not released, the date on which copies thereof are intended to be released.

* * * * *

§ 240.14c–101 Schedule 14C. Information required in information statements.

* * * * *

Item 5. Proposals by security holders.

* * * * *

Instructions. 1. This item need not be answered as to any proposal submitted with respect to an annual meeting if such proposal is submitted less than 60 days in advance of a day corresponding to the date of mailing a proxy statement or information statement in connection with the last annual meeting of security holders.

* * * * *

(Secs. 14a, 14(c), and 23(a); 48 Stat. 895 and 901, as amended; 15 U.S.C. 78n and 78w)

[F.R. Doc. 67–15091; Filed, Dec. 28, 1967; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–278; Order 355]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Reporting of Expenditures for Donations by Public Utilities, Licensees and Natural Gas Pipeline Companies; Annual Report Forms Nos. 1 and 2

DECEMBER 21, 1967.

On July 28, 1965, the Commission issued a notice of proposed rulemaking in this proceeding (30 F.R. 9697, Aug. 4, 1965), wherein we proposed to amend the "Schedule of Particulars Concerning Certain Income Deductions and Interest Charge Accounts" in FPC Forms Nos. 1 and 2 to require the reporting of donations, classifiable in subaccount 426.1, in amounts of $100 or more as individual items in lieu of the existing $1,000 lower limit in the forms for reporting such individual items. We also proposed to amend the schedule in the forms entitled "Miscellaneous General Expenses (Account 930)", which now requires only the listing of "major items" in the "Other expenses" category, to provide for the reporting of the purpose (donation, contribution, dues, etc.), recipient, and amount of each item of $100 or more.

The notice of proposed rulemaking afforded a period of 44 days for the submission to the Commission of written data, views, comments, and suggestions concerning the proposed amendments. We received 63 responses to the notice—51 of these were in opposition and 12 were in support. We have appended a list of the responses received.[1] Of the 217

[1] *In support:* American Public Power Association, Communications Workers of America, Cooperative League of the USA, Senator Lee Metcalf (Montana), Representative Lloyd Meeds (Washington), National Consumers League, National Rural Electric Co-op. As-

classes A and B electric utilities and the 79 natural gas pipeline companies which respectively filed Forms Nos. 1 and 2 for the reporting year 1964, the proposal was opposed by 32 electric companies, nine gas companies and three combination companies acting individually. Opposition was also expressed by three service companies and by the Edison Electric Institute and the Independent Natural Gas Association of America in behalf of their respective members. Also opposed was the Committee on Accounts of the National Association of Railroad and Utilities Commissioners. The principal thrust of those opposed was that the change would materially increase the paperwork burden and expense of preparing the reports; that existing requirements are adequate for regulatory purposes; that the changes would be contrary to the President's directive of March 10, 1964, with respect to unnecessary reporting; that contributions by the companies would be discouraged; and that the changes are contrary to the Commission's own stated policy to reduce paperwork and to avert future unnecessary burdening.

The 12 supporting views argued that the public, and more particularly the ratepayers, are entitled to have all possible information on public utility company spending so that the implications of any expenditures for political or propaganda purposes may be fully disclosed.

Following this full expression of views, the Commission has reevaluated the benefit to the public of the proposed reporting requirement providing for full detailed disclosure on FPC Annual Report Forms of donations in amounts of $100 or more against the burden which would be placed on individual utilities by such a requirement. We have concluded for the reasons set out below that instructions now in effect for reporting Other Income Deductions in Account 426 and its respective Subaccounts (426.1—Donations, 426.2—Life Insurance, 426.3—Penalties, and 426.5—Other Deductions), which require reporting of individual items of $1,000 and above, should be maintained. We shall continue the practice of allowing amounts of less than $1,000 to be grouped by classes within the subaccounts if the number of items so grouped is shown. With regard to Account 930, Miscellaneous General Expenses, we shall require reporting of individual items of $100 and above rather than the current practice which specifies only that "major items" in the "Other Expenses" category shall be listed.

Commission staff analysis of charges by 12 companies [2] to Account 426.1 since April 1964, as tabulated below, indicates that itemization at the $1,000 reporting limit results in public disclosure of the specific disposition of 90.5 percent of the sums charged to that account.[3] It should be noted that those items of less than $1,000 will be accounted for under the rule as it now stands. They will be summarized by classes of expenditures.

	Account 426.1	
	Dollars	Percent of total
At $1,000 reporting limit	$1,900,000	90.5
Additional amounts reported at $100 limit	104,000	5.0
Amounts below $100 limit	96,000	4.5
Total	2,100,000	100.0

While retaining the $1,000 limitation currently applicable to Subaccount 426.1—Donations, we are fully cognizant of the fact that whenever we require more specific itemization of any account there is some public benefit by way of informing both the investing and consuming public of the nature of the operations of the regulated companies. The benefits to be gained by such an action, however, must in every case be balanced against the detriments.

In weighing the benefits against the detriments in this case, we must keep in mind that we are dealing with an accounting matter rather than a ratemaking matter and that Account 426 is a below-the-line account, thereby raising a presumption that the items in this account will not be allowed in the cost of service of any jurisdictional company in a rate case. Hence, the burden of proving the reasonableness of donations as a cost-of-service item falls upon the utility, and a utility seeking to justify donations as a cost-of-service item will be required to provide information identifying the beneficiaries of its charity. Thus, ratepayers will, in the event we allow charitable contributions as a cost-of-service item, nonetheless be protected against having their money spent for other than legitimate purposes. Furthermore, should the need for specific information arise, as in the case of an appropriate inquiry,[4] the Commission may always, as it has in the past, direct reporting companies to explain items included in annual report forms in greater detail.

Since we do not believe that the slight additional burden upon the companies incident to fuller disclosure would represent a serious bar to such action if it was otherwise in the public interest, we might still favor the broader disclosure proposal if there were no other apparent detrimental effects thereof. In addition, however, disclosure of small charitable contributions in the $100–$1,000 range may reasonably be expected to have an adverse effect upon programs of charitable donations of regulated companies and their stockholders. Any such program, if it is not to be limited to gifts to such organizations as community funds, must of necessity pick and choose between numerous worthy causes. Were we to require individual itemization of the myriad of donations below the $1,000 limit, the utilities might be subject to pressure by knowledgeable charities to obtain parity of contributions with similar charitable organizations. Such pressure could discourage utilities from making such contributions or might force the institution of rigid policies with regard to amounts given irrespective of the comparative merits of individual charitable organizations. Since charitable contributions, as explained above, do not normally have an impact on rate-payers, we believe that this risk should not be incurred.

With regard to Account 930, Miscellaneous General Expenses, our periodic audits of jurisdictional companies have disclosed a number of instances where charitable contributions and donations which should have been recorded in Account 426 were in fact recorded in Account 930. Since Account 930 is an above-the-line account, the presumption, of course, is that items therein are chargeable to the ratepayers. Therefore, abuse of this account in the manner described above means that items presumptively chargeable to the stockholders are assigned to the ratepayers. By setting the reporting level for Account 930 at $100, many of the items presently misclassified can, in the future, be noted in our annual review of jurisdictional company reports, and prompt action can be taken where necessary. Furthermore, re-

sociation, Northwest Public Power Association, Tennessee Rural Electric Cooperative, Tennessee Valley Public Power Association, Washington PUD Association, Washington State Grange.

In opposition: Baltimore Gas & Electric Co., Black Hills Power & Light Co., Central Hudson Gas & Electric Corp., Cincinnati Gas & Electric Co., Connecticut Light & Power Co., Consolidated Edison Co. of New York, Inc., Consumers Power Co., Delaware Power & Light Co., Florida Power Corp., Florida Power & Light Co., Gulf States Utilities Co., Illinois Power Co., Iowa Power & Light Co., Kansas City Power & Light Co., Long Island Lighting Co., Missouri Edison Co., Missouri Power & Light Co., Montana Power Co., New York State Electric & Gas Corp., Ohio Edison Co., Otter Tail Power Co., Pacific Gas & Electric Co., Pacific Power & Light Co., Philadelphia Electric Co., Public Service Electric & Gas Co., Public Service Co. of Indiana, Public Service Co. of Oklahoma, Southwestern Electric Power Co., Union Electric Co., Virginia Electric & Power Co., West Texas Utilities Co., Wisconsin Electric Power Co., Consolidated Gas Supply Corp. & Lake Shore Pipe Line Co., Lone Star Gas Co., Northern Natural Gas Co., Panhandle Eastern Pipe Line Co., Southern Natural Gas Co., Texas Eastern Transmission Corp., Texas Gas Transmission Corp., Trunkline Gas Co., United Gas Pipe Line Co., Iowa-Illinois Gas & Electric Co., Iowa Public Service Co., Interstate Power Co., American Electric Power Service Corp., Columbia Gas System, Inc., Southern Services, Inc., Representative E. Y. Berry (South Dakota), Edison Electric Institute, Independent Natural Gas Association of America (INGAA), Committee on Accounts—NARUC.

[3] Alabama Power Co., Boston Edison Co., Commonwealth Edison Co., Consumers Power Co., Duquesne Light Co., Florida Power & Light Co., Interstate Power Co., Long Island Lighting Co., Ohio Power Co., Pennsylvania Power & Light Co., Carolina Power & Light Co., Tampa Electric Co.

[2] A similar staff analysis of the charges of 21 companies to Account 930 during substantially the same period shows approximately the same result. However, as pointed out below, the nature of Account 930 is such that this is irrelevant.

[4] These include inquiries from other branches or agencies of the Federal Government, State and local governments.

quired disclosure of individual items of $100 or more for Account 930 will tend to promote greater compliance with requirements for proper reporting of operating expenses under our Uniform System of Accounts.

In reaching our decision, we have been mindful of the policy enunciated by Congress, the President, and the Commission that unnecessary, timeconsuming and costly reporting should not be imposed upon American business. We believe our order is in full accord with this policy. It will encourage prompt and expeditious reporting in the public interest. It will protect ratepayers from having their money spent surreptitiously. It will protect jurisdictional companies from the unnecessary expense inherent in unnecessary reporting burdens.

The Commission further finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, suggestions and arguments in the manner as described above, are consistent and in accordance with all procedural requirements therefor as prescribed in the Administrative Procedure Act (5 U.S.C. 553). In view of the foregoing and the modification of the proposed amendments to our reporting requirements to reflect valid objections raised thereto, opportunity for oral argument or a formal hearing in this matter would serve no useful purpose and is therefore unnecessary.

(2) The public should have made available to it more specific information concerning the expenditures by electric and gas utilities which are categorized in Account 930.

(3) The amendment here prescribed will supply that information and is necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 304, 309, and 311 thereof (49 Stat. 855, 858, 859; 16 U.S.C. 825c, 825h, 825j) and the Natural Gas Act, as amended, particularly sections 10 and 16 thereof (52 Stat. 826, 830; 15 U.S.C. 717i, 717o), orders:

(A) Effective for the reporting year 1968, the Commission's annual reports, FPC Form No. 1 and FPC Form No. 2, prescribed respectively by § 141.1 of Subchapter D and § 260.1 of Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, are amended by revising line 7 of the schedules entitled "Miscellaneous General Expenses (Account 930) (Electric)" appearing on page 427 of Form No. 1 and "Miscellaneous General Expenses (Account 930) (Gas)" appearing on page 543 of Form No. 2, to read as follows:

7. Other expenses (items of $100 or more are to be listed separately showing the purpose, recipient, and the amount of such items. Amounts of less than $100 may be grouped by classes if the number of items so grouped is shown).

(Secs. 304, 309, 311, 49 Stat. 855, 858, 859; 16 U.S.C. 825c, 825h, 825j; secs. 10, 16, 52 Stat. 826, 830; 15 U.S.C. 717i, 717o.)

(B) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[1]

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-15070; Filed, Dec. 28, 1967; 8:46 a.m.]

[1] Statement by Commissioner Ross concurring in part and dissenting in part filed as part of the original document.

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 609—UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES

PART 614—EMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

Revision of Regulations

Title XV of the Social Security Act, 68 Stat. 1130, as amended; 42 U.S.C. 1361–1371, has been recodified by Public Law 89–554, 80 Stat. 378, and now constitutes Chapter 85 of Title 5 of the United States Code, 80 Stat. 585; 5 U.S.C. 8501–8525, and 18 U.S.C. 1919, 80 Stat. 609. This change makes necessary a corresponding revision of 20 CFR Parts 609, 610, 611, and 614 to conform legal citations contained in such parts to the new statutory provisions. In view of the number of required changes it is appropriate also to generally revise 20 CFR Parts 609, 610, 611, and 614 to simplify and consolidate the regulations contained therein. Two substantive changes are made in this revision: (1) A definition of "first claim" has been inserted in 20 CFR 609.1(g) to prevent assignment of Federal civilian service and wages to a State if an initial claim does not establish a benefit year; and (2) transfer of assigned Federal civilian or military service and wages from one State to another under an interstate wage combining plan after a first claim has been filed is precluded by 20 CFR 609.16(d)(2) and 614.13(b).

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) which require notice of proposed rule making, public participation in their adoption, and delay in effective date are not applicable because these rules relate to public benefits. I do not believe such procedures or delay will serve a useful purpose here. Accordingly, this revision shall become effective on the date of its publication in the FEDERAL REGISTER.

1. Parts 609, 610, and 611 of Chapter V of Title 20 of the Code of Federal Regulations are consolidated and recodified to constitute Part 609 of Chapter V of Title 20 of the Code of Federal Regulations reading as follows:

PART 609—UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES

Subpart A—General

Sec.
609.1 Definitions.

Subpart B—Responsibilities of Federal Agencies

609.5 Information to Federal civilian employees.
609.6 Federal findings on Form ES-931.
609.7 Corrected Federal findings.
609.8 Answering requests for additional information.
609.9 Answering requests for correction of Federal findings.
609.10 Additional information to State agencies or Secretary.
609.11 Appeal by Federal agency.
609.12 Liaison.

Subpart C—Responsibilities of State Agencies

609.14 United States a single employer.
609.15 What State law applies to Federal civilian employees.
609.16 Assignment of Federal civilian service and wages.
609.17 Allocation of terminal annual leave payments.
609.18 Finality of Federal findings.
609.19 Determination of entitlement.
609.20 Notice of determination.
609.21 Overpayments.
609.22 Procedure for obtaining additional information.
609.23 Procedure for obtaining correction of Federal findings.
609.24 Procedure after correction of Federal findings.
609.25 Appeal by Federal civilian employee.
609.26 Disclosure of information.

Subpart D—Provisions Applying Only to Virgin Islands

609.30 Payments.
609.31 Determination of entitlement.
609.32 Continuation of State claim.
609.33 Appointment of referee.
609.34 Appeals to referee.
609.35 Conduct of hearings.
609.36 Evidence.
609.37 Record.
609.38 Withdrawal of appeal.
609.39 Nonappearance of Federal civilian employee.
609.40 Notice of referee's decision.
609.41 Consolidation of appeals.
609.42 Representation.
609.43 Postponement, continuance and adjournment of hearings.
609.44 Information from agency records.
609.45 Filing of decisions.
609.46 Judicial review.

AUTHORITY: The provisions of this Part 609 issued under sec. 8508, 80 Stat. 590; 5 U.S.C. 8508. Interpret or apply secs. 8501–8507, 80 Stat. 585; 5 U.S.C. 8501–8507.

Subpart A—General

§ 609.1 Definitions.

As used in this part, unless the context clearly indicates otherwise—

(a) "Compensation" means cash benefits payable to Federal civilian employees under the UCFE program with respect to their unemployment, including any portion of such cash benefits payable with respect to dependents but not including benefits payable under any temporary disability insurance law.

(b) "Federal agency" means any department, agency, or governmental body of the United States, including any instrumentality wholly or partially owned by the United States, employing individuals in Federal civilian service.

(c) "Federal civilian employee" means an individual who has performed Federal civilian service.

(d) "Federal civilian service" means service performed in the employ of the United States or any instrumentality wholly or partially owned by the United States but does not include service performed:

(1) By an elective official in the executive or legislative branch of the Government of the United States;

(2) As a member of the Armed Forces of the United States;

(3) By foreign service personnel for whom special separation allowances are provided under Chapter 14 of Title 22 of the United States Code;

(4) Outside the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands by an individual who is not a citizen of the United States;

(5) As an employee excluded by 5 CFR 831.201(a)(5) from civil service retirement coverage provided by Subchapter III, Chapter 83, Title 5, United States Code, because paid on a contract or fee basis;

(6) As an employee receiving nominal pay and allowances of $12 or less a year;

(7) In a hospital, home, or other institution of the United States by a patient or inmate thereof;

(8) By a student-employee assigned or attached to a hospital, clinic, or medical or dental laboratory operated by a Federal agency, a Federal military agency as defined in § 614.1 of this chapter, or the Government of the District of Columbia; for the purpose of this paragraph the term "student-employee" means either (i) a student nurse, medical or dental intern, resident-in-training, student dietitian, student physical therapist, or student occupational therapist; or (ii) any other individual assigned or attached primarily for training purposes to such a hospital, clinic, or medical or dental laboratory who has been designated a student-employee by the head of a Federal agency, Federal military agency, or Government of the District of Columbia, with the approval of the Civil Service Commission;

(9) As an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;

(10) By an individual employed under a Federal relief program to relieve him from unemployment;

(11) As a member of a State, county, or community committee under the Agricultural Stabilization and Conservation Service or of any other board, council, committee, or other similar body, unless such body is composed exclusively of individuals in the full-time employ of the United States;

(12) By an officer or member of the crew on or in connection with an American vessel which is (i) owned by or bareboat chartered to the United States and (ii) the business of which is conducted by a general agent of the Secretary of Commerce if contributions on account of such service are required under 26 U.S.C. 3305(g) to be made to an unemployment fund under a State unemployment compensation law; or

(13) As an employee precluded by Federal law from qualifying for compensation under the UCFE program.

(e) "Federal civilian wages" means all pay and allowances in cash and in kind for Federal civilian service.

(f) "Federal findings" means the facts found by a Federal agency as to (1) whether an individual has performed Federal civilian service for such agency during the base period specified on a Form ES–931; (2) the period or periods of such Federal civilian service; (3) the individual's Federal civilian wages for the base period specified on such form; and (4) the reasons for termination of his Federal civilian service.

(g) "First claim" means a claim for compensation under either the UCFF or UCX program or a State unemployment compensation law, or some combination thereof, first filed by an individual after his most recent termination of Federal civilian service whereby a benefit year is established under a State unemployment compensation law or in the Virgin Islands under the District of Columbia Unemployment Compensation Act.

(h) "Official station" means the State or country (if outside the United States) designated on the Federal civilian employee's notification of personnel action terminating his Federal civilian service (Standard Form 50 or its equivalent) as his "duty station." If the form of notification does not specify a Federal civilian employee's "duty station" his official station shall be the State or country designated under "name and location of employing office" on such form or designated as his place of employment on an equivalent form.

(i) "Secretary" means the Secretary of Labor of the United States.

(j) "State" includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(k) "State agency" means an agency administering a State unemployment compensation law which has entered into an agreement with the Secretary under 5 U.S.C. 8502 to pay compensation to Federal civilian employees and the agency in the Virgin Islands to which the Secretary under 5 U.S.C. 8503(d) has delegated the authority to make determinations of entitlement under the UCFE program.

(l) "State unemployment compensation law" means an unemployment compensation law enacted in a State, the District of Columbia, or the Commonwealth of Puerto Rico and approved under 26 U.S.C. 3304.

(m) "UCFE program" means the program of unemployment compensation for Federal civilian employees established by Subchapter I of Chapter 85 of Title 5 of the United States Code (80 Stat. 585; 5 U.S.C. 8501–8508) (formerly secs. 1501–1510 of Title XV of the Social Security Act, 68 Stat. 1130, as amended; 42 U.S.C. 1361–1370).

(n) "UCX program" means the program of unemployment compensation for ex-servicemen established by Subchapter II of Chapter 85 of Title 5 of the United States Code (80 Stat. 590; 5 U.S.C. 8521–8525) (formerly sec. 1511 of Title XV of the Social Security Act, 72 Stat. 1087, as amended; 42 U.S.C. 1371) which is implemented by the regulations in Part 614 of this chapter.

Subpart B—Responsibilities of Federal Agencies

§ 609.5 Information to Federal civilian employees.

Each Federal agency shall—

(a) furnish information to its employees explaining their rights and responsibilities under the UCFE program and 18 U.S.C. 1919; and

(b) complete Standard Form 8, "Notice to Federal Employee About Unemployment Compensation," in accordance with instructions thereon, and furnish a completed copy of such form to each employee at the time of separation from Federal civilian service, when transferred from one payroll office to another, or when the office responsible for distribution of the form is advised that an individual is on nonpay status for 7 consecutive days or more.

§ 609.6 Federal findings on Form ES–931.

(a) Within 4 work days after receipt from a State agency or the Secretary of a Form ES–931 a Federal agency shall make its Federal findings, complete all copies of the form, and transmit its Federal findings to the State agency or the Secretary, as appropriate, on such form or as a part thereof. If documents necessary for completion of a Form ES–931 have been assigned to an agency records center or the Federal Records Center in St. Louis the Federal agency shall obtain the necessary information from the records center. Any records center shall give priority to such request.

(b) If a completed Form ES–931 cannot be returned within 4 work days of receipt the Federal agency immediately shall inform the State agency or the Secretary, as appropriate, and shall include an estimated date by which the completed form will be returned.

(c) Each Federal agency shall maintain a control of the Forms ES–931 received by it that will enable it to ascertain at any time the number of such forms that have not been returned to the requesting State agency or the Secretary and the date of the Federal agency's receipt of such unreturned forms.

§ 609.7 Corrected Federal findings.

If a Federal agency ascertains at any time within 1 year after it has returned a completed Form ES–931 to a State agency or the Secretary that any of its Federal findings were erroneous it shall promptly correct its error and forward corrected Federal findings to the State agency or the Secretary, as appropriate.

§ 609.8 Answering requests for additional information.

On receipt of a request for additional information under § 609.22 a Federal agency except where it would be inconsistent with general policies followed in the case of separations for security reasons shall furnish in writing to the requesting authority such additional information as (1) will enable a Federal civilian employee to understand the basis for Federal findings or (2) will enable the requesting authority to correctly apply a State unemployment compensation law.

§ 609.9 Answering requests for correction of Federal findings.

On receipt of a request for reconsideration and correction of Federal findings under § 609.23 a Federal agency shall consider the information supplied in connection with such request and shall review its Federal findings. The Federal agency promptly shall correct any errors or omissions in its Federal findings and shall affirm, modify, or reverse any or all of its Federal findings in writing. The Federal agency then shall forward its reconsidered Federal findings to the requesting authority.

§ 609.10 Additional information to State agencies or Secretary.

In addition to the information required by §§ 609.6, 609.8, and 609.9 a Federal agency shall furnish to a State agency or the Secretary, as appropriate, any information which it is not otherwise prohibited from releasing by law which may be necessary for the administration of the UCFE program.

§ 609.11 Appeal by Federal agency.

If a terminating Federal agency believes that a State agency's determination awarding or denying compensation is incorrect the Federal agency, unless otherwise prohibited by law, may appeal from such determination in the same manner and to the same extent as other employers may appeal under the applicable State unemployment compensation law except that a Federal agency may not appeal from the findings of another Federal agency.

§ 609.12 Liaison.

To facilitate the Secretary's administration of the UCFE program each Federal agency shall designate one of its officials to be its liaison with the Secretary.

Subpart C—Responsibilities of State Agencies

§ 609.14 United States a single employer.

All Federal civilian service for all Federal agencies shall be considered employment with a single employer for purposes of a State unemployment compensation law.

§ 609.15 What State law applies to Federal civilian employees.

Except for Federal findings which are conclusive under § 609.18 a Federal civilian employee's entitlement to compensation shall be determined under the applicable provisions of the unemployment compensation law of the State to which such employee's Federal civilian service and wages are assigned, reassigned, or transferred pursuant to § 609.16, except that if such employee's Federal civilian service and wages are assigned to the Virgin Islands such employee's entitlement to compensation shall be determined, subject to § 609.18, under the applicable provisions of the District of Columbia Unemployment Compensation Act.

§ 609.16 Assignment of Federal civilian service and wages.

(a) *Service and wages to be assigned.* As soon as a Federal civilian employee files a first claim a State agency shall request information on Form ES–931 from each Federal agency for which such employee worked in his base period. The State agency shall specify on the Form ES–931 the Federal civilian employee's base period and whether his Federal civilian wages are to be reported by quarters or weeks. Only Federal civilian service and Federal civilian wages in the specified base period shall be assigned. "Base period" as used in this paragraph means the base period prescribed by the unemployment compensation law of the State to which such service and wages are to be assigned at the time a Federal civilian employee files his first claim, except that as to the Virgin Islands agency it means the base period prescribed by the District of Columbia Unemployment Compensation Act.

(b) *Initial assignment to State.* Federal civilian service and wages shall be assigned to the State in which a Federal civilian employee had his last official station prior to filing a first claim unless:

(1) At the time a first claim is filed the Federal civilian employee resides in another State in which after separation from Federal civilian service he performed service covered under the State unemployment compensation law, in which case his Federal civilian service and wages shall be assigned to the latter State; or

(2) Prior to filing a first claim a Federal civilian employee's last official station was outside the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, in which case his Federal civilian service and wages shall be assigned to the State in which he resides if he is personally present in a State when he files his first claim; or

(3) At the time he files a first claim he resides in the Virgin Islands, in which case his Federal civilian service and wages shall be assigned to the Virgin Islands.

(c) *Reassignment.* Federal civilian service and wages assigned to a State or to the Virgin Islands in error may be reassigned for use by the proper State agency. An appropriate record of a reassignment shall be made by a State agency which makes such reassignment.

(d) *Transfer of assigned Federal civilian service and wages under interstate plans.* (1) The interstate benefit payment plan and interstate wage combining plans may be applied to claimants with Federal civilian service and wages and such service and wages shall be considered employment and wages under any State unemployment compensation law for such purpose.

(2) If under an interstate wage combining plan an individual's Federal civilian service and wages are transferred from a State to which they are assigned (transferring State) to another State (paying State) only so much of such service and wages shall be transferred as are in that portion of the transferring State's base period which overlaps the paying State's base period. Such service and wages shall not be transferred in whole or in part if a Federal civilian employee has filed a first claim under the unemployment compensation law of the State to which such service and wages are assigned or, in the case of a first claim in the Virgin Islands, under the District of Columbia Unemployment Compensation Act.

(e) *When assignment deemed complete.* Federal civilian service and wages shall be deemed to have been assigned to a State or to the Virgin Islands when the State agency receives a completed Form ES–931 from a Federal agency.

(f) *Use of assigned Federal civilian service and wages.* Assigned Federal civilian service and wages shall be used only by the State to which assigned or reassigned or by the Virgin Islands if assigned or reassigned thereto unless transferred pursuant to paragraph (d) of this section.

§ 609.17 Allocation of terminal annual leave payments.

Lump-sum terminal annual leave payments shall not be allocated by a Federal agency and shall be allocated by a State agency in the same manner as similar payments to employees of private employers are allocated under an applicable State unemployment compensation law. In a State in which a private employer has an option as to the period to which such payments shall be allocated, such payments shall be allocated to the date of separation from employment, except that if failure of an employer to allocate will result in allocation to a period prior to an employee's separation allocation shall be made as in the case of such failure. If a Federal civilian employee's Federal civilian service and wages have been assigned to the Virgin Islands his lump-sum terminal annual leave payment constitutes wages for the period to which it is allocated under the District of Columbia Unemployment Compensation Act.

§ 609.18 Finality of Federal findings.

Federal findings under § 609.6 or § 609.7 shall be final and conclusive. Additional information submitted by a Federal agency under § 609.8 shall be considered part of the original Federal findings, which shall be final and conclusive as so supplemented. Federal findings submitted after reconsideration under § 609.9 shall be final and conclusive as affirmed, modified, or reversed by a Federal agency. Except for Federal

findings, these regulations shall not be construed to limit the right of a State agency to determine a Federal civilian employee's entitlement to compensation under the appropriate provisions of the applicable State unemployment compensation law.

§ 609.19 Determination of entitlement.

(a) *Entitlement.* The State agency of a State whose unemployment compensation law applies to a Federal civilian employee under § 609.15 promptly shall determine such employee's entitlement to compensation and pay such compensation in the same amounts, or the same terms, and subject to the same conditions as would apply to such employee if his Federal civilian service and wages had been included as employment and wages under the State unemployment compensation law except that (1) no compensation shall be paid for any period to which payment for military accrued leave is allocated under § 614.14 of this chapter and (2) § 609.31 shall apply to the Virgin Islands agency in lieu of this paragraph.

(b) *Determination in absence of Form ES–931.* (1) If a Form ES–931 has not been received from a Federal agency by the 12th day after such form was forwarded to such agency, a State agency shall determine entitlement to compensation on the basis of a Federal civilian employee's statement under oath if in addition to furnishing such statement such employee submits for examination any document issued by a Federal agency (as for example Standard Form 50 or W–2) showing that he performed service for such agency.

(2) If a Form ES–931 received from a Federal agency after such determination contains Federal findings which would result in a change in the Federal civilian employee's entitlement to compensation the State agency promptly shall make a redetermination and give such employee notice thereof. All payments of compensation made after such redetermination shall be in accordance therewith and all payments of compensation made prior to such determination shall be adjusted in accordance therewith. If the Federal civilian employee has received compensation not in accordance with the redetermination § 609.21 shall apply.

§ 609.20 Notice of determination.

A notice of determination or redetermination shall be given to a Federal civilian employee with respect to any determination or redetermination under § 609.19 or § 609.31. Such notice shall be given in the same manner as notice of determination or redetermination is given to claimants under the State unemployment compensation law. The notice shall include the Federal findings and shall inform the Federal civilian employee of his right to additional information or reconsideration and correction of such findings. The State agency shall set forth the Federal findings in sufficient detail to enable the Federal civilian employee to determine whether he wishes to request reconsideration or correction of any such findings.

§ 609.21 Overpayments.

(a) *Fraud.* If, after a determination and opportunity for a fair hearing thereon, a State agency or court of competent jurisdiction finds that a Federal civilian employee has received an overpayment of compensation as a result of false statements knowingly made or material facts knowingly withheld such employee shall be liable to repay any such outstanding overpayments. In the discretion of the State agency such amounts may be deducted from future compensation payable to such employee under the UCFE or UCX programs during the 2-year period following the date on which such finding was made.

(b) *Absence of fraud.* In cases of overpayment where there has been no finding by a State agency or court of competent jurisdiction of intent to defraud the determinations specified below shall be made under the applicable State unemployment compensation law:

(1) Whether a Federal civilian employee who has received an overpayment of compensation which he has not repaid shall receive any future compensation under the UCFE or UCX programs; or

(2) whether he shall be liable to repay such overpayment; or

(3) whether he shall be permitted to offset any future compensation payable to him under the UCFE or UCX programs against such outstanding overpayment; or

(4) whether a waiver of such overpayment may be permitted.

§ 609.22 Procedure for obtaining additional information.

(a) *Request by Federal civilian employee.* If a Federal civilian employee needs additional information in order to understand the basis for a Federal finding in connection with a claim for compensation under the UCFE program he may file a request through the State agency, or the Secretary if the State agency does not determine claims under the UCFE program, for more specific information from the Federal agency which made such Federal finding. Such request shall be mailed by the State agency or the Secretary to the appropriate Federal agency. If notice of a determination of entitlement has been given to the Federal civilian employee before a request for additional information is filed, such employee must file concurrently with such request a timely appeal or request for redetermination under the State unemployment compensation law. No hearing on such appeal shall be scheduled before the State agency receives from the Federal agency the additional information requested.

(b) *Request by State agency.* If at any stage of determining a Federal civilian employee's entitlement to compensation a State agency, State administrative appeal authority (including the referee in the Virgin Islands), or the Secretary determines that Federal findings do not contain sufficient information to enable correct application of the State unemployment compensation law a request may be made for additional facts from the appropriate Federal agency.

§ 609.23 Procedure for obtaining correction of Federal findings.

(a) *Request by Federal civilian employee.* A Federal civilian employee who wishes a Federal agency to reconsider and correct Federal findings in connection with a claim for compensation under the UCFE program may file a request for such reconsideration and correction, together with such information as supports his request, through the State agency before which the claim is pending or through the Secretary if the State agency does not determine claims under the UCFE program. Such request shall be mailed by the State agency or the Secretary to the appropriate Federal agency. If notice of a determination of entitlement has been given to the Federal civilian employee before a request for reconsideration and correction of Federal findings is filed, such employee must file concurrently with such request a timely appeal under the State unemployment compensation law. No hearing on such appeal shall be scheduled before the State agency receives from the Federal agency its reconsidered Federal findings.

(b) *Request by State agency.* A State agency, State administrative appeal authority (including the referee in the Virgin Islands), or the Secretary may request a Federal agency to reconsider and correct its Federal findings at any stage in determining a Federal civilian employee's entitlement to compensation.

§ 609.24 Procedure after correction of Federal findings.

(a) A State agency shall forward to the affected Federal civilian employee a copy of reconsidered Federal findings or additional information furnished by a Federal agency.

(b) If additional information or reconsidered Federal findings provide a basis under the State unemployment compensation law for the State agency to redetermine such employee's entitlement to compensation the State agency promptly shall make a redetermination and give notice thereof to the affected Federal civilian employee.

(c) If a State agency after reviewing additional information or reconsidered Federal findings submitted by a Federal agency does not consider that there is a basis for making a redetermination the State agency promptly shall set a date for hearing the Federal civilian employee's appeal.

(d) If Federal findings are corrected under § 609.7 a State agency shall notify the affected Federal civilian employee of such correction. If the State unemployment compensation law permits and the corrected Federal findings afford a basis for such action the State agency shall redetermine such employee's entitlement to compensation and give notice of redetermination to such employee.

§ 609.25 Appeal by Federal civilian employee.

A determination or redetermination by a State agency as to a Federal civilian employee's entitlement to compensation is subject to review, except for Federal findings, in the same manner and to the same extent as other determinations of entitlement under the State unemployment compensation law, except that a determination or redetermination by the Virgin Islands agency is subject to review in accordance with §§ 609.34 and 609.46.

§ 609.26 Disclosure of information.

Information received by a State agency in administering the UCFE program is confidential, and disclosure thereof is authorized, to the same extent as information received by such State agency in administering its State unemployment compensation law, or in the case of the Virgin Islands agency to the same extent as information received under the Virgin Islands unemployment compensation law.

Subpart D—Provisions Applying Only to Virgin Islands

§ 609.30 Payments.

The Virgin Islands agency shall make payments to individuals in its territorial area entitled to compensation under this subpart.

§ 609.31 Determination of entitlement.

When a Federal civilian employee's Federal civilian service and wages have been assigned to the Virgin Islands the Virgin Islands agency promptly shall determine such employee's entitlement to compensation and pay such compensation in the same amounts, on the same terms, and subject to the same conditions as would apply to such employee if such service and wages had been included as employment and wages under the District of Columbia Unemployment Compensation Act, except that—

(a) no compensation shall be paid to such employee for any period to which payment of military accrued leave is allocated under § 614.14 of this chapter; and

(b) if such employee, without regard to his Federal civilian service and wages (and Federal military service and wages as defined in § 614.1 of this chapter), has employment or wages sufficient to qualify for any unemployment compensation during the benefit year under the District of Columbia Unemployment Compensation Act payments of compensation under the UCFE or UCX programs shall be made only on the basis of his Federal civilian service and wages and Federal military service and wages.

§ 609.32 Continuation of State claim.

A Federal civilian employee who has filed a claim for compensation under the UCFE program in any of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico may continue such claim in the Virgin Islands to the extent permitted by arrangements between the Virgin Islands and cooperating States. Such claims are not subject to redetermination by the Virgin Islands agency.

§ 609.33 Appointment of referee.

The Territorial Representative of the U.S. Department of Labor shall act as the referee in the Virgin Islands to hear and decide appealed claims under the UCFE program.

§ 609.34 Appeals to referee.

(a) *Filing of appeal.* A Federal civilian employee may appeal from a determination or redetermination within 10 days after the mailing of notice and a copy of such determination or redetermination to such employee's last known address, or in the absence of mailing within 10 days after delivery thereof to such employee. The appeal shall be in writing and may be filed with any office of the Virgin Islands agency.

(b) *Notice of appeal.* Notice that an appeal has been filed may be given or mailed, in the discretion of the referee, to any person who has offered or is believed to have evidence with respect to the claim.

(c) *Scheduling and notice of hearing.* Appeals shall be promptly scheduled and heard, except as provided in § 609.22(a). Written notice of hearing, specifying the time and place thereof and those questions known to be in dispute, shall be given or mailed to the Federal civilian employee, the Virgin Islands agency, and any person who has offered or is believed to have evidence with respect to the claim 7 days or more before the hearing, except that a shorter notice period may be used with the consent of the Federal civilian employee.

§ 609.35 Conduct of hearings.

Hearings before the referee shall be informal, fair, and impartial and shall be conducted in such manner as may be best suited to determine a Federal civilian employee's right to compensation. Hearings shall be open to the public unless sufficient cause for a closed hearing is shown. The referee shall open the hearing by ascertaining and summarizing the issue or issues involved in the appeal. The Federal civilian employee may examine and cross-examine witnesses, inspect documents, and explain or rebut any evidence. An opportunity to present argument shall be afforded such employee, and such argument shall be made part of the record. The referee shall give such employee, if not represented by counsel or other representative, every assistance that does not interfere with the impartial discharge of his duties. The referee may examine such employee and other witnesses to such extent as he deems necessary. Any issue involved in the claim shall be considered and passed upon even though such issue was not set forth as a ground of appeal.

§ 609.36 Evidence.

Oral or written evidence of any nature, whether or not conforming to the legal rules of evidence, may be accepted. Any official record of the Virgin Islands, including reports submitted in connection with administration of the UCFE or UCX programs, may be included in the record if the Federal civilian employee is given an opportunity to examine and rebut the same. A written statement under oath or affirmation may be accepted when it appears impossible or unduly burdensome to require the attendance of a witness, but a Federal civilian employee adversely affected by such a statement must be given opportunity to examine such statement, to comment on or rebut any or all portions thereof, and whenever possible to cross-examine a witness whose testimony has been introduced in written form by submitting written questions to be answered in writing.

§ 609.37 Record.

All oral testimony before the referee shall be taken under oath or affirmation and a transcript thereof shall be made and kept. Such transcript together with all exhibits, papers, and requests filed in the proceeding shall constitute the record for decision.

§ 609.38 Withdrawal of appeal.

A Federal civilian employee who has filed an appeal may withdraw such appeal with the approval of the referee.

§ 609.39 Nonappearance of Federal civilian employee.

Failure of a Federal civilian employee to appear at a hearing shall not result in a decision being automatically rendered against him. The referee shall render a decision on the basis of whatever evidence is properly before him unless there appears to be a good reason for continuing the hearing. A Federal civilian employee who fails to appear at a hearing with respect to his appeal may within seven days thereafter petition for a reopening of the hearing. Such petition shall be granted if it appears to the referee that such employee has shown good cause for his failure to attend.

§ 609.40 Notice of referee's decision.

A copy of the decision and a statement of the reasons therefor shall promptly be given or mailed to the Federal civilian employee, the Virgin Islands agency, and to the Secretary. The decisions of the referee shall be accompanied by an explanation of the right of such employee to judicial review and the manner in which such judicial review may be instituted.

§ 609.41 Consolidation of appeals.

The referee may consolidate appeals and conduct joint hearings thereon where the same or substantially similar evidence is relevant and material to the matters in issue. Reasonable notice of consolidation and the time and place of hearing shall be given or mailed to the claimants or their representatives, the Virgin Islands agency, and to persons who have offered or are believed to have evidence with respect to the claims.

§ 609.42 Representation.

A Federal civilian employee may be represented by counsel or other representative in any proceedings before the

referee. Any such representative may appear at any hearing or take any other action which such employee may take under this part. The referee for cause may bar any person from representing a Federal civilian employee, in which event such action shall be set forth in the record. No representative shall charge a Federal civilian employee more than an amount fixed by the referee for representing him in any proceeding under this part.

§ 609.43 Postponement, continuance, and adjournment of hearings.

A hearing before the referee shall be postponed, continued, or adjourned when such action is necessary to afford a Federal civilian employee reasonable opportunity for a fair hearing. In such case notice of the subsequent hearing shall be given to any person who received notice of the prior hearing.

§ 609.44 Information from agency records.

Information shall be available to a Federal civilian employee either from the records of the Virgin Islands or as obtained in any proceeding herein provided for to the extent necessary for proper presentation of his case. All requests for information shall state the nature of the information desired as clearly as possible and shall be in writing unless made at a hearing.

§ 609.45 Filing of decisions.

Copies of all decisions of the referee shall be kept on file at his office in the Virgin Islands.

§ 609.46 Judicial review.

Final decisions of the referee shall be subject to review by the courts in the same manner and to the same extent as provided in 42 U.S.C. 405(g).

2. Part 614 of Chapter V of Title 20 of the Code of Federal Regulations is recodified to read as follows:

PART 614—UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

Sec.

614.1 Definitions.
614.2 Information to servicemen.
614.3 Assignment of Federal military service and wages.
614.4 Federal findings.
614.5 Correction of Federal findings.
614.6 Federal findings by Veterans Administration.
614.7 Correction of Veterans Administration Federal findings.
614.8 Finality of Federal findings.
614.9 Promptness of correction.
614.10 Effect of "Days Lost."
614.11 Determination of entitlement.
614.12 Notice of determination.
614.13 Interstate plans.
614.14 Allocation of military accrued leave.
614.15 Restrictions on entitlement.
614.16 Overpayments.
614.17 Appeals.
614.18 Disclosure of information.
614.19 Schedule of remuneration.

AUTHORITY: The provisions of this Part 614 issued under sec. 8508, 80 Stat. 590; 5 U.S.C. 8508. Interpret or apply secs. 8521–8525, 80 Stat. 590; 5 U.S.C. 8521–8525.

§ 614.1 Definitions.

As used in this part, unless the context clearly indicates otherwise—

(a) "Compensation" means cash benefits payable under the UCX program to ex-servicemen with respect to their unemployment, including any portion of such cash benefits payable with respect to dependents but not including benefits under any temporary disability insurance law.

(b) "Ex-serviceman" means an individual who has performed Federal military service.

(c) "Federal military agency" means any of the Armed Forces of the United States, including the U.S. Air Force, Army, Coast Guard, Marine Corps, and Navy.

(d) "Federal military service" means a period of active service, including active duty for training purposes, in the Armed Forces if—

(1) such service, excluding any period to which pay for unused military accrued leave is allocated under § 614.14, was continuous for 90 days or more or was terminated in less than 90 days because of an actual service-incurred injury or disability; and

(2) with respect to such service the individual (i) was discharged or released under conditions other than dishonorable, (ii) was not given a bad conduct discharge, or (iii) if an officer, did not resign for the good of the service.

(e) "Federal military wages" means all pay and allowances in cash and kind, including any period to which payment for unused military accrued leave is allocated under § 614.14 for Federal military service for the pay grade of an ex-serviceman at the time of his latest discharge or release from Federal military service as specified in the schedule of remuneration applicable at the time he files a first claim.

(f) "First claim" means a claim for compensation under either the UCX or UCFE program or a State unemployment compensation law, or some combination thereof, first filed by an individual after his latest discharge or release from Federal military service whereby a benefit year is established under a State unemployment compensation law or in the Virgin Islands under the District of Columbia Unemployment Compensation Act.

(g) "Military document" means an official document or documents issued to an individual by a Federal military agency relating to his Federal military service and discharge or release from such service.

(h) "Period of active service" means a period of continuous active duty (including active duty for training purposes) in a Federal military agency or agencies, beginning with the date of entry upon active duty and ending on the effective date of the first discharge or release thereafter which is not qualified or conditional.

(i) "Schedule of remuneration" means the schedule issued from time to time by the Secretary under 5 U.S.C. 8521(a)(2) specifying for purposes of the UCX program the pay and allowances for each pay grade of servicemen.

(j) "Secretary" means the Secretary of Labor of the United States.

(k) "State" includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(l) "State agency" means an agency administering a State unemployment compensation law which has entered into an agreement with the Secretary under 5 U.S.C. 8502 and the agency in the Virgin Islands cooperating with the U.S. Employment Service under the Wagner-Peyser Act (48 U.S.C. 113; 29 U.S.C. 49).

(m) "State unemployment compensation law" means an unemployment compensation law enacted in a State, the District of Columbia, or the Commonwealth of Puerto Rico and approved under 26 U.S.C. 3304.

(n) "UCFE program" means the program of unemployment compensation for Federal civilian employees established by Subchapter I of Chapter 85 of Title 5 of the United States Code (80 Stat. 585; 5 U.S.C. 8501–8508) (formerly sections 1501–1510 of Title XV of the Social Security Act, 68 Stat. 1130 as amended; 42 U.S.C. 1361–1370), which is implemented by the regulations in Part 609 of this chapter.

(o) "UCX program" means the program of unemployment compensation for ex-servicemen established by Subchapter II of Chapter 85 of Title 5 of the United States Code (80 Stat. 590; 5 U.S.C. 8521–8525) (formerly sections 1508 and 1511 of Title XV of the Social Security Act, 72 Stat. 1087 as amended; 42 U.S.C. 1368, 1371).

§ 614.2 Information to servicemen.

Each Federal military agency shall furnish information explaining the rights and responsibilities of ex-servicemen under the UCX program and 18 U.S.C. 1919 to military personnel at the time of their discharge or release from Federal military service.

§ 614.3 Assignment of Federal military service and wages.

(a) When an individual files a first claim all of his Federal military service and wages shall be deemed assigned to the State in which such claim is filed or to the Virgin Islands if the claim is filed in the Virgin Islands.

(b) Assigned Federal military service and wages shall be used only by the State to which assigned or reassigned or by the Virgin Islands if assigned or reassigned thereto unless transferred pursuant to § 614.13(b).

(c) Federal military service and wages assigned to a State or to the Virgin Islands in error may be reassigned for use by the proper State agency. An appropriate record of the reassignment shall be maintained by the State agency of the State to which such service and wages originally were assigned.

§ 614.4 Federal findings.

Information contained in a military document shall constitute Federal findings to which § 614.8 applies as to (a) whether an individual has performed

Federal military service; (b) the beginning and ending dates of each period of such service and "days lost" during each such period; (c) the type of discharge or release terminating the individual's period or periods of Federal military service; and (d) the individual's pay grade at the time of discharge or release from his latest period of Federal military service.

§ 614.5 Correction of Federal findings.

(a) *Requests for correction.* If an individual believes a Federal finding specified in § 614.4 is incorrect or that information as to any finding has been omitted from a military document he may request the issuing Federal military agency to correct the military document. Information contained in a corrected military document issued pursuant to such request shall constitute the Federal findings of the Federal military agency under § 614.4 if the individual notifies the State agency that he has made such request before the period of redetermination of entitlement or appeal under the applicable State unemployment compensation law has elapsed and promptly notifies the State agency of the action of the Federal military agency.

(b) *State agency procedure when request made.* If a determination of entitlement has not been made when an individual notifies a State agency that he has made a request for correction under paragraph (a) of this section the State agency may postpone such determination until the individual has notified the State agency of the action of the Federal military agency on his request. If a determination of entitlement has been made when an individual notifies a State agency that he has made such request, or if an individual notifies a State agency that he has made such request prior to a determination of entitlement but such determination is not postponed by the State agency, the individual may file a request for redetermination or appeal in accordance with the applicable State unemployment compensation law or in the case of a determination by the Virgin Islands agency may appeal in the manner provided by § 609.34(a) of this chapter for Federal civilian employees. Except as provided in paragraph (c) of this section no redetermination shall be made or hearing scheduled on an appeal until the individual has notified the State agency of the action of the Federal military agency on his request.

(c) *State agency procedure when request answered.* On receipt of notice of the action of a Federal military agency on a request for correction of its Federal findings a State agency, as appropriate, either:

(1) Shall make a timely determination or redetermination of the affected individual's entitlement or

(2) Schedule a hearing on the individual's appeal.

If such notice is not received by a State agency within 1 year of the date an individual first filed a claim, or such notice is not given promptly by an individual, a State agency without further postponement may make such determination or redetermination or schedule such hearing.

(d) *Federal findings corrected without request.* Information as to any Federal finding specified in § 614.4 contained in a corrected military document issued by a Federal military agency on its own motion shall constitute the findings of such agency under § 614.4 if notice thereof is received by a State agency before the period for redetermination of entitlement or appeal has elapsed under the State unemployment compensation law. On timely receipt of such notice a State agency shall take appropriate action under the applicable State unemployment compensation law to give effect to the corrected findings.

§ 614.6 Federal findings by Veterans Administration.

If a military document indicates that an individual's discharge or release from Federal military service was under conditions other than honorable (except a dishonorable or bad conduct discharge) or that the period of such service was less than 90 days the U.S. Veterans Administration on request of a State agency shall decide whether the individual was discharged or released—

(a) Under conditions other than dishonorable or

(b) In the case of an officer by reason of his resignation for the good of the service or

(c) By reason of an actual service-incurred injury or disability.

On request of a State agency the U.S. Veterans Administration also shall decide whether an individual's discharge or release from Federal military service was qualified or conditional. Any decision by the U.S. Veterans Administration under this section shall constitute a Federal finding to which § 614.8 applies.

§ 614.7 Correction of Veterans Administration Federal findings.

(a) *Requests for correction.* If an individual believes that a Federal finding under § 614.6 is incorrect he may request reconsideration of such Federal finding by applying therefor to the State agency before the period of redetermination of entitlement or appeal under the applicable State unemployment compensation law has elapsed. The State agency shall forward his request and any supporting information submitted by the individual to the U.S. Veterans Administration.

(b) *State agency procedure when request made.* If a determination of entitlement has not been made when an individual requests a reconsideration under paragraph (a) of this section a State agency shall postpone such determination. If a determination of entitlement has been made when an individual requests a reconsideration under paragraph (a) of this section the individual may file a request for redetermination or appeal in accordance with the applicable State unemployment compensation law or in the case of a determination by the Virgin Islands agency may appeal in the manner provided by § 609.34(a) of this chapter for Federal civilian employees. No determination or redetermination shall be made or hearing scheduled on an appeal until the State agency receives from the U.S. Veterans Administration its action on such request. If the United States Veterans Administration modifies its Federal finding previously made under § 614.6 the modified finding shall constitute its Federal finding under that section.

(c) *State agency procedure when request answered.* On receipt of the action of the U.S. Veterans Administration a State agency, as appropriate, either

(1) Shall make a timely determination or redetermination of the individual's entitlement or

(2) Promptly schedule a hearing on his appeal.

§ 614.8 Finality of Federal findings.

The Federal findings of a Federal military agency or the U.S. Veterans Administration with respect to an individual (including the reasons for his separation reflected therein) and the schedules of remuneration issued by the Secretary shall be final and conclusive.

§ 614.9 Promptness of correction.

A Federal military agency or the U.S. Veterans Administration, as the case may be, shall act promptly on and reply to any request received pursuant to §§ 614.5 and 614.7.

§ 614.10 Effect of "days lost."

"Days lost" shall not be counted for the purpose of determining—

(a) Whether an individual has performed Federal military service or

(b) Whether an individual meets the wage and employment requirements of a State unemployment compensation law or

(c) The amount of an individual's Federal military wages, but the continuity of a period of Federal military service shall not be deemed to be interrupted by reason of any "days lost" in such period.

§ 614.11 Determination of entitlement.

(a) *States.* Except for Federal findings of a Federal military agency or the U.S. Veterans Administration and schedules of remuneration which are final and conclusive under § 614.8 the State agency of a State to which an individual's Federal military service and wages have been assigned under § 614.3 or transferred as provided in § 614.13 promptly shall determine such individual's entitlement to compensation and pay such compensation in the same amount, on the same terms, and subject to the same conditions as the compensation which would be payable to such individual if such service and wages had been included as employment and wages under the State unemployment compensation law.

(b) *Virgin Islands.* If an individual's Federal military service and wages are assigned under § 614.3 or transferred under § 614.13 to the Virgin Islands the Virgin Islands agency promptly shall determine, subject to § 614.8, the individual's entitlement to compensation, and

pay such compensation in the same amount, on the same terms, and subject to the same conditions as would apply to such individual if such service and wages had been included as employment and wages under the District of Columbia Unemployment Compensation Act, except that if an individual, without regard to his Federal military service and wages and Federal civilian service and wages as defined in § 609.1 of this chapter, has employment or wages sufficient to qualify for any compensation during the benefit year under the District of Columbia Unemployment Compensation Act payments of compensation shall be made only on the basis of his Federal military service and wages and Federal civilian service and wages, if any.

§ 614.12 Notice of determination.

A notice of any determination under § 614.11 shall be given to an individual in the same manner as a notice of determination is given under the State unemployment compensation law. Such notice shall include the Federal findings of any Federal military agency or the Veterans Administration and shall inform the individual of his right to request correction of any such Federal findings.

§ 614.13 Interstate plans.

(a) The interstate benefit payment plan and interstate wage combining plans shall apply, where appropriate, to individuals filing claims under the UCX program. For the purpose of these plans Federal military service and wages shall be considered employment and wages under any applicable State unemployment compensation law.

(b) If under an interstate wage combining plan an individual's Federal military service and wages are transferred from a State to which they are assigned (transferring State) to another State (paying State) only so much of such service and wages shall be transferred as are in that portion of the transferring State's base period which overlaps the paying State's base period. Such service and wages shall not be transferred in whole or in part if an individual has filed a first claim under the unemployment compensation law of a State to which such service or wages are assigned, or in the case of a first claim in the Virgin Islands under the District of Columbia Unemployment Compensation Act, if such service and wages were included in the base period established in connection with such first claim.

§ 614.14 Allocation of military accrued leave.

A State agency shall allocate payments for unused accrued military leave to the period following an individual's discharge or release from Federal military service by adding to the effective date of his discharge or release the number of days of leave specified in the individual's military document. Except for the purpose of determining whether an individual has met the condition specified in § 614.1(d)(1) his Federal military service shall be deemed to continue after his discharge or release for the number of days with respect to which such payment was allocated.

§ 614.15 Restrictions on entitlement.

Notwithstanding § 614.11 no compensation shall be paid to an individual:

(a) For a period to which payment for unsued military accrued leave is allocated under § 614.14;

(b) For a period with respect to which he receives a subsistence allowance for vocational rehabilitation training under Chapter 31 of Title 38 of the United States Code (72 Stat. 1171; 38 U.S.C. 1501–1510);

(c) For a period with respect to which he receives a war orphans' educational assistance allowance under Chapter 35 of Title 38 of the United States Code (72 Stat. 1193 as amended; 38 U.S.C. 1701–1778).

§ 614.16 Overpayments.

(a) *Fraud.* If, after a determination and opportunity for a fair hearing thereon, a State agency or court of competent jurisdiction finds that an ex-serviceman has received an overpayment of compensation as a result of false statements knowingly made or material facts knowingly withheld such ex-serviceman shall be liable to repay any such outstanding overpayments. In the discretion of the State agency such amounts may be deducted from future compensation payable to such ex-serviceman under the UCX or UCFE programs during the 2-year period following the date on which such finding was made.

(b) *Absence of fraud.* In case of overpayment where there has been no finding by a State agency or court of competent jurisdiction of intent to defraud the determinations specified below shall be made under the applicable State unemployment compensation law:

(1) Whether an ex-serviceman who has received an overpayment of compensation which he has not repaid shall receive any future compensation under the UCX or UCFE programs; or

(2) Whether he shall be liable to repay such overpayment; or

(3) Whether he shall be permitted to offset any future compensation payable to him under the UCX or UCFE programs against such outstanding overpayment; or

(4) Whether a waiver of such overpayment may be permitted.

§ 614.17 Appeals.

A determination or redetermination by a State agency as to an individual's entitlement to compensation is subject to review, except for Federal findings of a Federal military agency or the Veterans Administration and the schedule of remuneration, in the same manner and to the same extent as other determinations of entitlement under the State unemployment compensation law, except that a determination or redetermination by the Virgin Islands agency is subject to review in the manner provided by §§ 609.34 and 609.46 of this chapter for Federal civilian employees.

§ 614.18 Disclosure of information.

Information received by a State agency in administering the UCX program is confidential, and disclosure thereof is authorized, to the same extent as information received by such State agency in administering its State unemployment compensation law or in the case of the Virgin Islands agency to the same extent as information received under the Virgin Islands unemployment compensation law.

§ 614.19 Schedule of remuneration.

(a) The schedule provided in this paragraph is applicable to first claims for compensation under the UCX program filed on or after October 1, 1966.

Pay grades	Monthly rate	
	With 2 years of service or less	With over 2 years of service
1. Commissioned officer:		
O–10	$1,706	$2,278
O–9	1,543	2,043
O–8	1,424	1,869
O–7	1,230	1,662
O–6	951	1,396
O–5	797	1,209
O–4	696	1,036
O–3	648	866
O–2	546	670
O–1	486	522
2. Warrant officer:		
W–4	670	948
W–3	618	817
W–2	555	711
W–1	485	623
3. Enlisted personnel:		
E–9		772
E–8		696
E–7	469	626
E–6	423	554
E–5	353	487
E–4	335	398
E–3	270	307
E–2	246	263
E–1	239	241

(b) The omission from this section of schedules of remuneration applicable to periods of time prior to October 1, 1966, and heretofore published in the FEDERAL REGISTER shall not be deemed a revocation of such omitted schedules of remuneration.

Signed at Washington, D.C., this 26th day of December 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67–15112; Filed, Dec. 28, 1967; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6942]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Investment Companies

To officers and employees of the Internal Revenue Service and others concerned:

On September 20, 1967, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 351 of the Internal Revenue Code of 1954 (relating to the transfer of property to a corporation controlled by the transferor) was published in the FEDERAL REGISTER (32 F.R. 13288). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted subject to the changes set forth below.

Section 1.351–1(c), as set forth in paragraph 2 of the notice of proposed rule making, is changed by revising subparagraphs (1)(ii) and (3).

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

Approved: December 22, 1967.

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Stanley S. Surrey,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 351 of the Internal Revenue Code of 1954 to the provisions of section 203 of the Act of November 13, 1966 (Pub. Law 89–809, 80 Stat. 1539), relating to transfers of property to investment companies controlled by transferors, such regulations are amended as follows:

PARAGRAPH 1. Section 1.351 is amended by revising section 351(a), by redesignating section 351(d) as section 351(e), by adding after section 351(c) a new section 351(d), and by adding a historical note. These amended and added provisions read as follows:

§ 1.351 Statutory provisions; transfer to corporation controlled by transferor.

SEC. 351. *Transfer to corporation controlled by transferor*—(a) *General rule.* No gain or loss shall be recognized if property is transferred to a corporation (including, in the case of transfers made on or before June 30, 1967, an investment company) by one or more persons solely in exchange for stock or securities in such corporation and immediately after the exchange such person or persons are in control (as defined in section 368(c)) of the corporation. For purposes of this section, stock or securities issued for services shall not be considered as issued in return for property.

* * * * * *

(d) *Application of June 30, 1967, date.* For purposes of this section, if, in connection with the transaction, a registration statement is required to be filed with the Securities and Exchange Commission, a transfer of property to an investment company shall be treated as made on or before June 30, 1967, only if—

(1) Such transfer is made on or before such date,

(2) The registration statement was filed with the Securities and Exchange Commission before January 1, 1967, and the aggregate issue price of the stock and securities of the investment company which are issued in the transaction does not exceed the aggregate amount therefor specified in the registration statement as of the close of December 31, 1966, and

(3) The transfer of property to the investment company in the transaction includes only property deposited before May 1, 1967.

(e) *Cross references.* * * *

[Sec. 351 as amended by sec. 203, Act of Nov. 13, 1966 (80 Stat. 1539)]

PAR. 2. Section 1.351–1 is amended by adding a new paragraph (c). This added provision reads as follows:

§ 1.351–1 Transfer to corporation controlled by transferor.

* * * * * *

(c)(1) The general rule of section 351 does not apply, and consequently gain or loss will be recognized, where property is transferred to an investment company after June 30, 1967. A transfer of property after June 30, 1967, will be considered to be a transfer to an investment company if—

(i) The transfer results, directly or indirectly, in diversification of the transferors' interests, and

(ii) The transferee is (*a*) a regulated investment company, (*b*) a real estate investment trust, or (*c*) a corporation more than 80 percent of the value of whose assets (excluding cash and nonconvertible debt obligations from consideration) are held for investment and are readily marketable stocks or securities, or interests in regulated investment companies or real estate investment trusts.

(2) The determination of whether a corporation is an investment company shall ordinarily be made by reference to the circumstances in existence immediately after the transfer in question. However, where circumstances change thereafter pursuant to a plan in existence at the time of the transfer, this determination shall be made by reference to the later circumstances.

(3) Stocks and securities will be considered readily marketable if (and only if) they are part of a class of stock or securities which is traded on a securities exchange or traded or quoted regularly in the over-the-counter market. For purposes of subparagraph (1)(ii)(c) of this paragraph, the term "readily marketable stocks or securities" includes convertible debentures, convertible preferred stock, warrants, and other stock rights if the stock for which they may be converted or exchanged is readily marketable. Stocks and securities will be considered to be held for investment unless they are (i) held primarily for sale to customers in the ordinary course of business, or (ii) used in the trade or business of banking, insurance, brokerage, or a similar trade or business.

(4) In making the determination required under subparagraph (1)(ii)(c) of this paragraph, stock and securities in subsidiary corporations shall be disregarded and the parent corporation shall be deemed to own its ratable share of its subsidiaries' assets. A corporation shall be considered a subsidiary if the parent owns 50 percent or more of (i) the combined voting power of all classes of stock entitled to vote, or (ii) the total value of shares of all classes of stock outstanding.

(5) A transfer ordinarily results in the diversification of the transferors' interests if two or more persons transfer nonidentical assets to a corporation in the exchange. For this purpose, if any transaction involves one or more transfers of nonidentical assets which, taken in the aggregate, constitute an insignificant portion of the total value of assets transfered, such transfers shall be disregarded in determining whether diversification has occurred. If there is only one transferor (or two or more transferors of identical assets) to a newly organized corporation, the transfer will generally be treated as not resulting in diversification. If a transfer is part of a plan to achieve diversification without recognition of gain, such as a plan which contemplates a subsequent transfer, however delayed, of the corporate assets (or of the stock or securities received in the earlier exchange) to an investment company in a transaction purporting to qualify for nonrecognition treatment, the original transfer will be treated as resulting in diversification.

(6) The application of subparagraph (5) of this paragraph may be illustrated as follows:

Example (1). Individuals A, B, and C organize a corporation with 101 shares of common stock. A and B each transfers to it $10,000 worth of the only class of stock of corporation X, listed on the New York Stock Exchange, in exchange for 50 shares of stock. C transfers $200 worth of readily marketable securities in corporation Y for one share of stock. In determining whether or not diversification has occurred, C's participation in the transaction will be disregarded. There is, therefore, no diversification, and gain or loss will not be recognized.

Example (2). A, together with 50 other transferors, organizes a corporation with 100 shares of stock. A transfers $10,000 worth of stock in corporation X, listed on the New York Stock Exchange, in exchange for 50 shares of stock. Each of the other 50 transferors transfers $200 worth of readily marketable securities in corporations other than X in exchange for one share of stock. In determining whether or not diversification has occurred, all transfers will be taken into account. Therefore, diversification is present, and gain or loss will be recognized.

[F.R. Doc. 67–15111; Filed, Dec. 28, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 537—CLAIMS ON BEHALF OF THE UNITED STATES

Claims for Damage to or Loss or Destruction of Army Property

Section 537.1 is revised to read as follows:

§ 537.1 Claims for damage to or loss or destruction of Army property.

(a) *Purpose.* This section prescribes, within the limitations indicated in AR 27–41 and in paragraph (b) of this section, the procedures for the investigation, determination, assertion, and collection,

including compromise and termination of collection action, of claims in favor of the United States for damage to or loss or destruction of Army property.

(b) *Applicability and scope.* (1) Other regulations establish systems of property accountability and responsibility; prescribe procedures for the investigation of loss, damage, or destruction by causes other than fair wear and tear in the service; and provide for the administrative collection of charges against military and civilian personnel of the United States, contractors and common carriers, and other individuals and legal entities from whom collection may be made without litigation. When the investigation so prescribed results in preliminary indication of pecuniary liability, and no other method of collection is provided, the matter is referred for action under this section. This relationship exists with regard to—

(i) Property under the control of the Department of the Army. See AR 735–10 and AR 735–11.

(ii) Property of the Defense Supply Agency in the custody of the Department of the Army. See AR 735–16.

(iii) Property of nonappropriated funds of the Army (except Army and Air Force Exchange Service property). See AR 230–8.

(iv) Federal property made available to the Army National Guard. See NGR 75–4.

(2) This section does not apply to—

(i) Claims arising from marine casualties. See AR 55–19 and § 537.7.

(ii) Claims for damage to property funded by civil functions appropriations.

(iii) Claims for damage to property of the Army and Air Force Exchange Service.

(iv) Reimbursements from agencies and instrumentalities of the United States for damage to property.

(v) Collection for damage to property by offset against the pay of employees of the United States, or against amounts owed by the United States to common carriers, contractors, and States.

(vi) Claims by the United States against carriers, warehousemen, insurers, and other third parties for amounts paid in settlement of claims by members and employees of the Army, or the Department of Defense, for loss, damage, or destruction of personal property while in transit or storage at Government expense. See § 536.27 of this chapter and AR 735–12.

(3) The commander of a major oversea command, as defined in paragraph (c)(5) of this section, is authorized to establish procedures for the processing of claims in favor of the United States for loss, damage, or destruction of property which may, to the extent deemed necessary, modify the procedures prescribed herein. Two copies of all implementing directives will be furnished The Judge Advocate General, Attention: Chief, Litigation Division, Department of the Army, Washington, D.C. 20310. Procedures will be prescribed—

(i) To carry out the provisions of Department of Defense Directive No. 5515.8, assigning single service claims responsibility.

(ii) To carry out provisions of treaties and other international agreements which limit or provide special methods for the recovery of claims in favor of the United States.

(c) *Definitions.* For the purpose of this section only, the following terms have the meaning indicated:

(1) *Claim.* The Government's right to compensation for damage caused to Army property.

(2) *Prospective defendant.* An individual, partnership, association, corporation, governmental body, or other legal entity, foreign or domestic, except an instrumentality of the United States, against whom the United States has a claim.

(3) *Damage.* A comprehensive term, including not only damage to, but also loss or destruction of Army property.

(4) *Army property.* Real or personal property of the United States or its instrumentalities and, if the United States is responsible therefor, real or personal property of a foreign government, which is in the possession or under the control of the Army, one of its instrumentalities, or the Army National Guard, including that property of an activity for which the Army has been designated the administrative agency, and that property located in an area in which the Army has been assigned single service claims responsibility by appropriate Department of Defense directive.

(5) *Major oversea command.* U.S. Army Forces Southern Command; U.S. Army, Europe; and any command outside the continental limits of the contiguous States specially designated by The Judge Advocate General under the provisions of § 536.4b of this chapter.

(6) *Army staff judge advocate.* The staff judge advocate of each of the numbered armies in the continental United States, the Military District of Washington, U.S. Army, and U.S. Army, Alaska.

(7) *Staff judge advocate.* An officer so assigned (par. 2b, AR 1–140). The staff judge advocate of a command or agency reporting directly to Headquarters, Department of the Army, or of a major subordinate command of the U.S. Army Materiel Command, the senior Army judge advocate assigned to a joint or unified command, and, if the command has established a command claims service pursuant to § 536.4b of this chapter, the chief of the command claims service will perform the duties specified for staff judge advocates in this regulation. In addition, the legal adviser of a comparable command or agency not having a judge advocate or staff judge advocate will perform these duties.

(8) *Judge advocate.* An officer so designated (par. 2b, AR 1–140). If no judge advocate is present for duty, and the command or agency has a legal adviser, he will perform the duties specified for judge advocates in this section. Any official authorized to perform the duties specified for staff judge advocates under this section may perform the duties specified for judge advocates herein.

(9) *Legal adviser.* An attorney within the meaning of paragraph 2–2, CPR A8, who is the principal adviser to the commander or operating head of any Army command or agency on legal matters.

(d) *Limitation of time.* The Act of July 18, 1966 (80 Stat. 304, 28 U.S.C. 2415) established a 3-year statute of limitations, effective July 19, 1966, upon actions in favor of the United States for money damages founded upon a tort. In computing periods of time excluded under 28 U.S.C. 2416, the judge advocate concerned shall be deemed the official charged with responsibility and will ensure that action may be brought in the name of the United States within the limitation period.

(e) *Foreign prospective defendants.* Except as indicated below, claims within the scope of this section against foreign prospective defendants will be investigated, processed, and asserted without regard to the nationality of the prospective defendant. Claims against an international organization, a foreign government or a political subdivision, agency, or instrumentality thereof, or against a member of the armed forces or an official or civilian employee of such international organization or foreign government, will not be asserted without prior approval of The Judge Advocate General. Investigation and report thereof, together with recommendations regarding assertion and enforcement, will be forwarded through command channels to The Judge Advocate General, Attention: Chief, Litigation Division, Department of the Army, Washington, D.C. 20310, unless the provisions of applicable agreements, or regulations in implementation thereof, negate the requirement for such investigation and report.

(f) *Standards of liability.* (1) The Government's right to compensation for damage caused to Army property will be determined in accordance with the law of the place in which the damage occurred.

(2) To the extent that the prospective defendant's liability is covered by insurance, liability will be determined without regard to standards of pecuniary liability set forth in other regulations. If no insurance is available, claims will be asserted under this section against military and civilian employees of the United States and of host foreign governments only where necessary to complete the collection of charges imposed upon such persons under the standards established by other regulations.

(g) *Concurrent claims under other regulations.* (1) Claims for damage to Army property and claims for medical care cognizable under §§ 537.21–537.24 arising from the same incident will be consolidated and processed under this section as a single claim.

(2) If the incident giving rise to a claim in favor of the United States also gives rise to a potential claim or suit against the United States, the claim in favor of the Government will be asserted and otherwise processed only by a judge advocate who has apparent authority to take final action on the claim against the

Government. The claims will be investigated and processed together.

(h) *Claims for less than $50.* Such claims need not be asserted or otherwise processed under this section unless the facts and circumstances surrounding the incident indicate that collection will be economically feasible (e.g., a case of clear liability covered by insurance) or desirable in the best interests of the United States.

(i) *Repayment in kind.* The judge advocate who asserts a claim under this section may accept, in lieu of full payment of the claim, the restoration of the property to its condition prior to the incident causing the damage, or the replacement thereof. Acceptability of these methods of repayment is conditioned upon the certification of the appropriate staff officer responsible for maintenance, such as is described for motor vehicles in paragraph 10–11b, AR 735–11, before a release may be executed. The authority conferred by this paragraph is not limited to incidents involving motor vehicles.

(j) *Delegation of authority.* Subject to the provisions of paragraph (k) of this section, the authority conferred by paragraph 7a(9), AR 27–41, to compromise claims and to terminate collection action, with respect to claims that do not exceed $20,000, exclusive of interest, is further delegated as follows:

(1) A judge advocate, as defined in paragraph (c)(8) of this section is authorized to:

(i) Compromise claims, provided the compromise does not reduce the claim by more than $500.

(ii) Terminate collection action, provided the uncollected amount of the claim does not exceed $500.

(2) A staff judge advocate, as defined in paragraph (c)(7) of this section, is authorized to:

(i) Compromise claims, provided the compromise does not reduce the claim by more than $1,000.

(ii) Terminate collection action, provided the uncollected amount of claim does not exceed $1,000.

(3) An Army staff judge advocate as defined in paragraph (c)(6) of this section is authorized to:

(i) Compromise claims, provided the compromise does not reduce the claim by more than $5,000.

(ii) Terminate collection action, provided the uncollected amount of the claim does not exceed $5,000.

(4) The staff judge advocate of a major oversea command, as defined in paragraph (c)(5) of this section, is authorized to:

(i) Compromise claims, provided the compromise does not reduce the claim by more than $10,000.

(ii) Terminate collection action, provided the uncollected amount of the claim does not exceed $10,000.

(k) *Compromise and termination of collection action.* (1) The authority delegated in paragraph (j) of this section to compromise claims will be exercised in accordance with the standards set forth in Part 103, appendix A, AR 27–41.

(2) The authority delegated in paragraph (j) of this section to terminate collection action will be exercised in accordance with the standards set forth in section 104.3, appendix A, AR 27–41.

(3) A debtor's liability to the United States arising from a particular incident shall be considered as a single claim in determining whether the claim is not more than $20,000, exclusive of interest, for the purpose of compromise, or termination of collection action.

(l) *Releases.* The judge advocate who receives payment of the claim in full, or who receives full satisfaction of an approved compromise settlement, is authorized to execute a release. A standard form furnished by the prospective defendant or his insurer may be executed, provided no indemnity agreement is included.

(m) *Receipts.* The commanding officer appointing a claims officer, his superior commander, the judge advocate of any command, or any officer designated by them for that purpose, may execute and deliver to any prospective defendant a receipt for payment in full, installment payment, or an offered compromise payment subject to the approval of the proper authority. DA Form 2135–R (Receipt for Payment for Damage to or Loss of Government Property) will be used.

[AR 27–37, Oct. 18, 1967] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

J. W. HURD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 67–15069; Filed, Dec. 28, 1967; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4340]

[Idaho 015693]

IDAHO

Withdrawal for National Forest Administrative Site and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEZPERCE NATIONAL FOREST

BOISE MERIDIAN

Fish Creek Meadow Camp and Picnic Site

T. 29 N., R. 3 E.,
Sec. 16, SW¼NE¼NE¼NE¼, S½NW¼NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼NE¼, and NE¼NW¼SE¼NE¼.
Totaling 25 acres

Bargamin Creek Camp Site

A tract of land within the unsurveyed SE¼, sec. 22, T. 26 N., R. 10 E., more particularly described as: Beginning on the west bank of Bargamin Creek at the intersection of the highwater line of the Salmon River, thence along the highwater line of said river downstream 375 feet, thence northwesterly 60 feet to the toe of the slope, thence along the toe of the slope in a northeasterly direction 450 feet to the west bank of Bargamin Creek, thence downstream along the west bank of said creek 150 feet to the place of beginning, containing a calculated 0.90 acres.

Big Mallard Creek Campsite

A tract of land within the unsurveyed NE¼, sec. 6, T. 25 N., R. 10 E., more particularly described as: Beginning on the west bank of Big Mallard Creek at the intersection of the highwater line of the Salmon River, thence along the highwater line of said river downstream 700 feet, thence northwesterly 100 feet to the toe of the slope, thence along the toe of the slope in a northeasterly direction 625 feet to the west bank of Big Mallard Creek, thence downstream along the west bank of said creek 100 feet to the point of beginning, containing a calculated 1.50 acres.

Indian Creek Campsite

A tract of land within lots 4 and 5, sec. 28, T. 24 N., R. 7 E., more particularly described as: Beginning on the east bank of Indian Creek at the intersection of the highwater line of the Salmon River, thence along the highwater line of said river upstream 350 feet to the toe of the slope, thence along the toe of the slope in a northwesterly direction 550 feet, crossing Indian Creek approximately 125 feet along this line, thence southerly 75 feet to the highwater line of the Salmon River, thence along said highwater line upstream 450 feet to the place of beginning, containing a calculated 1.20 acres.

Bull Creek Campsite

A tract of land within lots 7 and 8, sec. 4, T. 24 N., R. 6 E., more particularly described as: Beginning on the east bank of Bull Creek at the intersection of the highwater line of the Salmon River, thence along the highwater line of said river upstream 400 feet, thence northwesterly 150 feet to the toe of the slope, thence along the toe of the slope in a southwesterly direction 450 feet to Bull Creek, thence along the toe of the slope in the same direction 300 feet, thence southeasterly 150 feet to the highwater line of the Salmon River, thence along said highwater line upstream 375 feet to the place of beginning, containing a calculated 3 acres.

Bear Creek Administrative Site

A tract of land within the unsurveyed SE¼, sec. 10, T. 25 N., R. 11 E., more particularly described as: Beginning at the intersection of Bear Creek with the highwater line of the Salmon River, thence N. 68° E. 400 feet upstream along the highwater line of said river, thence N. 36° W. 525 feet to Bear Creek, thence N. 64°40′ W. 310 feet, thence S. 35° W. to the highwater line of the Salmon River, thence along the highwater line upstream to the place of beginning, containing a calculated 14 acres.

The areas described aggregate 45.60 acres in Idaho County, Idaho.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative re-

sources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 21, 1967.

[F.R. Doc. 67-15077; Filed, Dec. 28, 1967; 8:46 a.m.]

[Public Land Order 4341]

[Anchorage 024880]

ALASKA

Withdrawal for Department of the Air Force Revocation of Public Land Order No. 1035

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use of the Department of the Air Force:

KENAI

U.S. Survey 4563, lot 1

Containing 3.83 acres.

2. Public Land Order No. 1035 of December 13, 1954, withdrawing lands for use of the Department of the Army, described by metes and bounds as containing 3.42 acres, is hereby revoked. The area withdrawn has been shown by later surveys to contain 5.18 acres.

3. Of the area released from withdrawal by paragraph 2 of this order, 1.35 acres have been determined to be "property" within the meaning of the Federal Property and Administrative Services Act of 1949 as amended, and shall be subject to administration or disposal under that act, and regulations of the General Services Administration. The remaining 3.83 acres are described in paragraph 1 of this order.

4. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 21, 1967.

[F.R. Doc. 67-15078; Filed, Dec. 28, 1967; 8:46 a.m.]

[Public Land Order 4342]

[Anchorage 062080]

ALASKA

Partial Revocation of Withdrawal for School Purposes

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 3623 of April 9, 1965, withdrawing lands for school purposes, is hereby revoked so far as it affects the following described lands at Ouzinkie, Kodiak Island:

Beginning at Corner No. 1 of U.S. Survey No. 3885; thence N. 44°30' W., 55 feet; thence N. 57° E. 235 feet; thence S. 44°30' E., 20 feet to Corner No. 4 of U.S. Survey No. 3885; thence S. 48°31' W., 231 feet to Corner No. 1 of U.S. Survey No. 3885, the point of beginning.

The area described contains approximately 0.20 acre.

The lands are a part of the Trustee Townsite of Ouzinkie.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 21, 1967.

[F.R. Doc. 67-15079; Filed, Dec. 28, 1967; 8:46 a.m.]

[Public Land Order 4343]

[Sacramento 079602]

CALIFORNIA

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

HUMBOLDT MERIDIAN

KLAMATH NATIONAL FOREST

Dillon Jim Campground

T. 14 N., R. 6 E.,
Sec. 30, SE¼NE¼SW¼, and W½NW¼SE¼ (unsurveyed).

The areas described aggregate approximately 30 acres in Siskiyou County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 21, 1967.

[F.R. Doc. 67-15080; Filed, Dec. 28, 1967; 8:46 a.m.]

[Public Land Order 4344]

[Wyoming 3402]

NEBRASKA

Partial Revocation of Reclamation Withdrawal

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

The departmental order of May 3, 1904, withdrawing lands for reclamation purposes, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 22 N., R. 52 W.,
Sec. 19, NE¼NE¼.

The area described contains 40 acres in Scotts Bluff County.

The lands are included in an allowed homestead entry.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 21, 1967.

[F.R. Doc. 67-15081; Filed, Dec. 28, 1967; 8:47 a.m.]

[Public Land Order 4345]

[New Mexico 3159]

NEW MEXICO

Addition to Gila National Forest

By virtue of the authority contained in the act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

Subject to existing valid rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Gila National Forest and hereafter the lands shall be subject to all laws and regulations applicable to said national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 13 S., R. 10 W.,
Sec. 11, W½E½.
T. 12 S., R. 13 W.,
Sec. 10, S½N½SE¼SE¼, and S½SE¼SE¼;
Sec 11, SW¼SW¼SW¼;
Sec. 14, N½NE¼NW¼, NE¼NW¼NW¼, N½NW¼NW¼NW¼, and SE¼NW¼NW¼NW¼;
Sec. 15, N½N½NE¼NE¼, and S½SW¼;
Sec. 22, E½NW¼, W½SW¼, and N½NW¼SE¼SW¼.
T. 13 S., R. 13 W.,
Sec. 2, lot 2, SW¼NE¼, and W½SE¼.

The areas described aggregate 651.64 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 21, 1967.

[F.R. Doc. 67-15082; Filed, Dec. 28, 1967; 8:47 a.m.]

[Public Land Order 4346]

[Colorado 2519]

COLORADO

Partial Revocation of Stock Driveway Withdrawals

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental orders of November 17, 1917, and September 20, 1918, creating Stock Driveway Withdrawal No. 5 and No. 41 respectively, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 9 N., R. 89 W.,
Sec. 20, lot 24;
Sec. 21, lots 13 and 14;
Sec. 22, S½S½;
Sec. 29, lots 1, 2, 5, and 7;
Sec. 30, lots 7, 8, 11, and 12.

Containing 566.63 acres in Moffat County.

The lands are situated along Little Bear Creek, 15 miles north northeast of Craig, Colo. Vegetation consists of sagebrush, shrubs, native grasses, and forbs.

2. Until 10 a.m. on June 21, 1968, the State of Colorado shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 21, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colo.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 21, 1967.

[F.R. Doc. 67-15083; Filed, Dec. 28, 1967; 8:47 a.m.]

[Public Land Order 4347]

[Wyoming 6225]

WYOMING

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental orders of October 6, 1933, and October 13, 1933, withdrawing lands for the Kendrick Project, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 34 N., R. 80 W.,
Sec. 2, lot 1, SE¼NE¼, and NE¼SE¼.
T. 31 N., R. 81 W.,
Sec. 6, lots 4 and 5, SW¼NE¼, SE¼NW¼, and SE¼;
Sec. 15, S½NW¼ and SE¼SE¼;
Sec. 17, S½SW¼;
Sec. 18, S½SE¼;
Sec. 19, N½NE¼, and SE¼NE¼;
Sec. 20, W½, W½E½, SE¼NE¼, and E½SE¼;
Sec. 21, SW¼NW¼;
Sec. 22, W½SW¼;
Sec. 29, NE¼ and N½NW¼.
T. 31 N., R. 82 W.,
Sec. 1, lot 1, and SE¼NE¼.

The areas described aggregate 1,868.19 acres in Natrona County. Topography of the area varies from near level to gently rolling with the average elevation being 5,500 feet. The climate is semiarid. Vegetation consists of sagebrush, native grasses, forbs, and brush. Soils are generally sandy to clay alluvial on benches and bottomlands and are considered typical grazing lands in that area of Wyoming.

2. Until 10 a.m. on June 21, 1968, the State of Wyoming shall have a preferred right of application to select the public lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 21, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on June 21, 1968. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 21, 1967.

[F.R. Doc. 67-15084; Filed, Dec. 28, 1967; 8:47 a.m.]

[Public Land Order 4348]

[New Mexico 2050]

NEW MEXICO

Partial Revocation of National Forest Roadside Zone Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1230 of September 27, 1955, reserving lands within the Apache National Forest for use of the Forest Service as administrative sites, campsites, lookouts, and roadside zones, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

APACHE NATIONAL FOREST

T. 4 S., R. 17 W.,
Sec. 30.

A strip of land 200 feet on each side of the centerline of New Mexico State Highway No. 32 where it traverses national forest land.

T. 4 S., R. 15 W.,
Secs. 31 and 32.

A strip of land 200 feet from the centerline on each side of New Mexico State Highway No. 12 where it traverses national forest land.

2. At 10 a.m. on January 26, 1968, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 21, 1967.

[F.R. Doc. 67-15085; Filed, Dec. 28, 1967; 8:47 a.m.]

[Public Land Order 4349]

[Fairbanks 033266]

ALASKA

Withdrawal for Administrative Site

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved as an administrative site for the maintenance of a Federal Aviation Administration air navigation facility:

COPPER RIVER MERIDIAN

In Tps. 13 and 14 N., R. 18 E., Beginning at a point which bears S. 30°00' W., 3569.19 feet from Corner No. 5, U.S. Survey 2630, thence S. 60°00' E., 1,786.63 feet to a point; thence N. 30°00' E., 1,051.26 feet to a point; thence S. 60°00' E., 1,267.04 feet to a point; thence S. 30°00' W., 4,100 feet to a point; thence N. 60°00' W., 4,100 feet to a point; thence N. 30°00' E., 2,958.89 feet to a point; thence S. 60°00' E., 1,046.33 feet to a point; thence N. 30°00' E., 89.85 feet to the point of beginning.

The area described contains approximately 322 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Federal Aviation Administration finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 21, 1967.

[F.R. Doc. 67-15086; Filed, Dec. 28, 1967; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Department of Transportation

[Docket No. HM-4; Amdt. No. 67-1]

PARTS 171–190—HAZARDOUS MATERIALS REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION

Miscellaneous Restrictions Against Loading and Transporting Class B Poisonous Liquids or Solids With Foodstuffs

There have been several recent instances of food poisoning attributed to the consumption of food which had become contaminated by a poisonous insecticide or pesticide during the course of transportation. The poisons involved were liquids or solids, of the types defined and described as class B in section 173.343 of the Hazardous Materials Regulations of this Department. These incidents have caused the death of several persons. While none of the incidents occurred in the United States, there has been, within the past year, a number of container leakages, adverse handling experiences, and motor vehicle accidents involving shipments of poisonous liquids or solids, class B. Therefore, it is possible for the conditions which caused the deaths in other countries to arise in this country.

Investigations of the leakages and other accidents in the United States have not yet developed all of the information which would indicate conclusively the need for a change in the specification packaging requirements for poisons. However, a review of all of the incidents concerned clearly shows that there is good cause to restrict mixed shipments of poisonous liquids or solids, class B, and foodstuffs, feeds, and other materials intended for consumption by humans or animals, which are not packaged in air tight nonpermeable containers to minimize the possibility of food poisoning that could be caused by inadvertent contamination during transportation. Also, because of the multiple uses of transportation equipment, it is considered necessary to place a restriction on the reuse of transportation equipment which has been contaminated by the leakage of poisonous liquids or solids, class B, until the contamination has been removed, to preclude injury to transportation personnel and contamination of subsequent shipments.

As a situation exists which demands immediate adoption of this regulation in the interests of public safety, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, the Hazardous Materials Regulations of the Department of Transportation (14 CFR Part 103 and 49 CFR 171–190) are hereby amended as follows, effective January 10, 1968.

1. Section 174.532 of 49 CFR, is amended by adding the following new paragraph at the end thereof:

§ 174.532 Loading other dangerous articles.

* * * * *

(m) Poisonous liquids or solids, class B, must not be transported in the same car with any foodstuffs, feeds, or any other material intended for consumption by humans or animals which are not packaged in air tight nonpermeable containers.

2. Section 174.566(a) of 49 CFR, is amended by adding the following new subparagraph at the end thereof:

§ 174.566 Cleaning cars.

(a) * * *

(1) Any car which has been used to transport any poisonous liquid or solid, class B, shall be inspected for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the material shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Cars which have been contaminated must not be returned to service until the contamination has been removed. This subparagraph does not apply to any car used solely for transporting poisonous liquids or solids, class B, so long as it is used for that purpose.

§ 174.597 [Amended]

* * * * *

3. Section 174.597(b) of 49 CFR, is amended by inserting the words "organic phosphate compounds," immediately after the words "sodium cyanide."

4. Section 175.655 of 49 CFR is amended by adding the following new paragraphs at the end thereof:

§ 175.655 Protection of packages.

* * * * *

(k) Poisonous liquids or solids, class B, must not be transported in the same car with any foodstuffs, feeds, or any other material intended for consumption by humans or animals which are not packaged in air tight nonpermeable containers.

(l) Any car which has been used to transport any poisonous liquid or solid, class B, shall be inspected for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the material shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Cars which have been contaminated must not be returned to service until the contamination has been removed.

5. Section 177.841 of 49 CFR, is amended by adding the following new paragraph at the end thereof:

§ 177.841 Poisons.

* * * * *

(e) Poisonous liquids or solids, class B, must not be transported in the same vehicle with any foodstuffs, feeds, or any other material intended for consumption by humans or animals which are not packaged in air tight nonpermeable containers.

6. Section 177.860 of 49 CFR, is amended by amending the heading to read as follows and by adding the following new subparagraph at the end of paragraph (a):

§ 177.860 Accidents or leakage; poisons.

(a) * * *

(1) *Leakage.* Any vehicle which has been used to transport any poisonous liquid or solid, class B, shall be inspected for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the material shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles which have been contaminated must not be returned to service until contamination has been removed. This subparagraph does not apply to any vehicle used solely for transporting poisonous liquids or solids, class B, so long as it is used for that purpose.

* * * * *

(7) Part 103 of 14 CFR, is amended by adding the following new section at the end thereof:

§ 103.35 Special requirements for poisonous liquids or solids, Class B.

(a) No operator of an aircraft may carry materials identified as or known to be poisonous liquids or solids, class B, in the same aircraft with material identified as or known to be foodstuffs, feeds, or any other material intended for consumption by humans or animals, unless (except for food carried in the cabin, in a separate compartment from the poisonous materials, that is intended for consumption in flight) those foodstuffs, feeds, or other materials are packaged in air tight nonpermeable containers.

(b) No person may operate an aircraft that has been used to transport any material identified as or known to be poisonous liquid or solid, class B, unless, upon removal of the poisonous material, the aircraft is inspected for leakage, spillage, or other contamination and all contamination is either isolated or removed from the aircraft. The operation of an aircraft contaminated with a class B poison is considered to be the carriage of poisonous materials under paragraph (a) of this section.

(Sec. 831–835, 18 U.S.C., sec. 9, Department of Transportation Act (49 U.S.C. 1657), title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h))

Issued in Washington, D.C., on December 21, 1967.

A. SCHEFFER LANG,
Administrator,
Federal Railroad Administration.

Issued in Washington, D.C., on December 21, 1967.

For the Federal Aviation Administration.

SAM SCHNEIDER,
Board Member.

Issued in Washington, D.C., on December 21, 1967.

LOWELL K. BRIDWELL,
Administrator,
Federal Highway Administration.

[F.R. Doc. 67-15067; Filed, Dec. 28, 1967; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

White River National Wildlife Refuge, Ark.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of raccoon and bobcat on the White River National Wildlife Refuge, Ark., is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,500 acres, or 10 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all State regulations governing the hunting of raccoon and bobcat except for the following special conditions:

(1) Open season: February 1, 2, 3, 8, 9, 10, 15, 16, 17, 1968.

(2) Methods of hunting: Shotgun and dogs only. No rifles or headlight hunting permitted.

(3) Hunters must check in and out of designated check station.

(4) Camping permitted only in designated areas. No fires permitted outside of camp areas. Cutting of trees prohibited.

(5) Boats not permitted in refuge waters. Shooting hours start at 6 p.m. and hunters must check out at the check station by 1 a.m.

(6) Camps may be established at noon on the day preceding each hunt.

(7) Littering campsites and refuge roads will be a violation.

(8) A Federal permit is required to enter the public hunting area. Permits may be obtained at either of two check stations at time of hunts.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 17, 1968.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 21, 1967.

[F.R. Doc. 67-15076; Filed, Dec. 28, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 61]

[Docket No. 8614; Notice 67-56]

PERIODIC PILOT FLIGHT INSTRUCTION OR PROFICIENCY CHECKS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 61 of the Federal Aviation Regulations to require, for pilots in command of airplanes and rotorcraft, periodic flight instruction, or proficiency checks except where the pilot receives a proficiency or initial qualification test under Part 121, 127, or 135, or another flight test, check, or refresher course that substantially serves the same objective, during the same period of time.

This advance notice of proposed rule making is being issued pursuant to the FAA's policy for the early institution of rule-making proceedings. An "advance" notice is issued when it is found that the resources of the FAA and reasonable outside inquiry do not yield a sufficient basis to identify and select a tentative course or alternate courses of action, or where it would be helpful to invite public participation in the identification and selection of a course or alternate courses of action. The subject matter of this notice involves a situation contemplated by that policy.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before April 1, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. If it is determined to be in the public interest to proceed further, after consideration of the available data and comments received in response to this notice, a notice of proposed rule making will be issued.

Improvement of the general aviation safety record is a continuing and major goal of the FAA. There is no conclusive proof as to the percentage of general aviation accidents that might have been prevented by periodic instruction, refresher training, or proficiency checking. However, a review of the accident records shows that many accidents can be ascribed to deterioration of basic airmanship and skills, and to pilots' failure to keep abreast of new developments and operational procedures. In this connection, much work done by the military services shows that, in particular, procedural knowledge and activities are rapidly forgotten with time and nonuse.

As a part of the FAA's safety programs, general aviation pilots have been encouraged to voluntarily secure periodic refresher training and proficiency checks. Some have heeded this advice, but many have not. Accordingly, the FAA believes that rule-making action may be appropriate to require periodic flight instruction or proficiency checks for pilots in command of airplanes and rotorcraft, except that a proficiency or initial qualification test under Part 121, 127, or 135 of the Federal Aviation Regulations, or other flight test, check, or refresher course that substantially serves the same objective, during the prescribed period of time, would be acceptable in meeting the proficiency check requirements of the contemplated provisions.

Some pertinent questions and discussions are set forth here for which comments are solicited. In particular, comments are requested in the following areas, with supporting statements and data to justify any recommendations and conclusions.

(1) *Periodic flight instruction.*

(a) What pilot certificate holders, if any, should be required to receive periodic flight instruction?

(b) How many hours of flight instruction should be required?

(c) How often should the instruction be received?

(d) Of what should the instruction consist?

It is suggested that this flight instruction should be required for private pilots, and for student pilots who, in certain circumstances, presently need not have the experience or flight check ordinarily required. Section 61.73(d) presently prohibits a student pilot from operating an airplane or rotorcraft in solo flight unless within the preceding 90 days he has received flight instruction in that category of aircraft from a certificated flight instructor with an appropriate rating on his flight instructor certificate, has demonstrated to that flight instructor that he is competent to solo that category, and has received a pilot logbook endorsement that that flight instructor has given the flight instruction and found the student competent for solo flight. However, these requirements do not apply if the student pilot has complied with § 61.73(c) by acting as pilot in command of a powered aircraft within the preceding 90 days or passed a flight check given by a certificated flight instructor who so endorses his pilot logbook, has acquired the aeronautical experience required for a private pilot certificate, and obtains a flight instructor's endorsement that he is considered competent to make solo flights without mandatory periodic flight checks. It is now suggested that in all cases the student pilot must comply with the substance of the provisions of § 61.73(d) within a fixed period (for instance, 6 months) preceding any solo flight.

In the case of private pilots, it is suggested that the certificate holder be required to have at least a specified number of hours of flight instruction from an appropriately rated flight instructor within a fixed period (for instance, up to 3 hours within the 6 months, or up to 6 hours within the 12 months) before acting as pilot in command in any flight involving the carriage of persons or property. The precise maneuvers and procedures involved would probably need not be specified. It would appear necessary to rely upon the judgment of the flight instructor for appropriate action when evidence of incompetence is found, and for the latter to adapt the instruction given to the needs or deficiencies of the particular pilot involved. It also would appear appropriate to provide that once the private pilot has met the flight time requirements for a commercial pilot certificate he should have the option of passing a proficiency check, in the category of aircraft, similar to that proposed for commercial pilots.

(2) *Periodic proficiency checks.*

(a) What pilot certificate and rating holders, if any, should be required to receive periodic proficiency checks?

(b) Who should give the checks?

(c) How often should the checks be received?

(d) Of what should the checks consist?

(e) Should the checks, or any portion of them, be allowed in simulators?

It is suggested that (with certain exceptions noted below) these proficiency checks should be required for holders of pilot certificates other than student and private pilots, and for holders of instrument ratings. In the case of commercial pilots, it is suggested that the certificate holder be required to pass a proficiency check in the category of aircraft involved within a fixed period (for instance, 12 months) before acting as pilot in command of an aircraft carrying passengers or as pilot in command for compensation or hire. It is also suggested that the pilot holding an airplane category rating with both single-engine and multiengine class ratings should be required to pass each required proficiency check in a multiengine airplane or, perhaps, alternately

in a single-engine and multiengine airplane. Furthermore, if the pilot holds one or more type ratings, and desires to exercise the privileges thereof, it is suggested that he must pass the proficiency check appropriate to the applicable class rating, in an airplane of that class for which he holds a type rating.

In the case of airline transport pilots, proficiency check requirements would be provided that are similar to those for commercial pilots. This proficiency check would include a showing of instrument proficiency if the pilot is to engage in IFR operations, whether or not passengers are carried or the operation is for compensation or hire.

In the case of instrument ratings, it is suggested that the holder be restricted from engaging in any IFR operation unless within a fixed period (for instance, the preceding 12 months) he has passed an instrument proficiency check in the category of aircraft involved. The instrument proficiency check would be acceptable as a proficiency check in the category of aircraft involved, for the holder of a private, commercial, or airline transport pilot certificate.

Proficiency checks for holders of commercial and airline transport pilot certificates, and instrument rating, normally are given by FAA inspectors or other authorized flight examiners, or company check pilots. However, in view of the large number of checks that would be required under these suggestions, it is believed that the checks could not be handled by these examiners or check pilots without undue delay and inconvenience to the public, and possible interference with their present certification activities. Consideration therefore should be given to authorizing appropriately rated certificated flight instructors, with specified pilot certificates, also to give the new proficiency checks. These flight instructors are considered qualified to give the checks, and the use of their services for this purpose would provide better service to the affected public and would be consistent with the objective of upgrading and giving additional responsibilities to flight instructors. In order to assure that any flight instructor, or designated pilot, instrument rating, or airline transport pilot examiner who gives a proficiency check is fully qualified, he would be required to be "appropriately rated", that is, to have the appropriate category or instrument rating on his flight instructor certificate (or certificate of designation), and a pilot certificate with the class rating, and type rating for an aircraft requiring a type rating, for the aircraft used for an aircraft proficiency check.

Some holders of U.S. pilot certificates do not reside in this country. Under § 61.22, flight instruction received to satisfy the requirements for certificates or ratings may be credited if it is received from a flight instructor who is authorized to give that flight instruction by the licensing authority of a foreign contracting State to the Chicago Convention and the flight instruction is given outside the United States. It is suggested, in order to preclude undue hardship for certificate holders residing outside of the United States, that flight instruction or proficiency checks received by them from these foreign instructors outside of the United States could be used to satisfy the applicable new requirements.

For proficiency checks given by certificated flight instructors, the same standards they apply in certifying an applicant for a flight test for a certificate or rating under § 61.21(a)(4) appear to be suitable. Similarly, as standards for proficiency checks given by FAA inspectors and designated examiners, the same standards applicable to original issuance of the certificate or rating involved appear to be suitable.

As proof of compliance, all required proficiency checks would be recorded in pilot logbooks.

In order to preclude unnecessary repetitions of the same or substantially equivalent proficiency checks, the satisfactory accomplishment of certain other flight tests, checks, or refresher courses within the prescribed time periods would be acceptable as meeting the proficiency check requirements of the contemplated provisions. Examples are such procedures as flight tests for certificates or ratings, proficiency or initial qualification tests accomplished under Part 121, 127, or 135, Category II pilot authorization tests, and military proficiency or rating flight tests of persons on solo flying status as rated pilots in Armed Forces of the United States.

Comments would be welcome on these suggestions, as well as any additional recommendations for implementing the objective of maintaining the skills of general aviation pilots at high levels.

Issued in Washington, D.C., on December 21, 1967.

This advance notice of proposed rule making is issued under the authority of sections 313(a), 601, and 602, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422).

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 67-15097; Filed, Dec. 28, 1967; 8:48 a.m.]

[14 CFR Part 61]

[Docket Nos. 7525, 7858; Ref. Notices 66-28, 67-1, 67-1A]

AERONAUTICAL SKILL REQUIREMENTS—PROPOSED AUTHORIZATION OF SAMPLING PROCEDURE, NEW BASIC PILOT CERTIFICATES, PRIVATE AND COMMERCIAL PILOT TRAINING AND EXPERIENCE REQUIREMENTS, AND INSTRUMENT RATINGS

Withdrawal of Notices of Proposed Rule Making

The Federal Aviation Administration has had under consideration the following proposals to amend Part 61 of the Federal Aviation Regulations:

(1) To provide that in a practical test for a private or commercial pilot certificate, or instrument rating, the applicant must perform only the procedures and maneuvers the FAA inspector or designated examiner selects from those listed in the regulations. This proposal was issued as Notice 66-28, published in the FEDERAL REGISTER on August 5, 1966 (31 F.R. 10536).

(2) To establish a new, lower requirement pilot certificate to be known as a basic pilot certificate, increase the training and experience requirements for private and commercial pilot qualification, and make the private pilot eligible for an instrument rating when he meets instrument rating requirements without further total flight time requirements. These proposals were issued as Notice 67-1, published in the FEDERAL REGISTER on January 12, 1967 (32 F.R. 329), supplemented by Notice 67-1A, published in the FEDERAL REGISTER on March 4, 1967 (32 F.R. 3749).

As stated in Notice 67-1, the proposals made therein, as well as the proposal made in Notice 66-28, were to be a part of a comprehensive "training package" designed to upgrade and modernize pilot training and certification. A substantial portion of the comments received on Notice 67-1 (and Notice 67-1A) opposed the proposals made therein and presented reasons for their opposition. The comments received indicated that further study of the proposals is needed before a decision is reached on the subjects treated therein. Furthermore, an advance notice of proposed rule making is being issued at the present time that suggests the establishment of certain periodic flight instruction or proficiency checks for general aviation pilots, matters that are basically related to the objectives of the rules proposed by Notices 67-1 (and 67-1A) and 66-28. In view of these facts, and the time that has elapsed since the close of the comment periods, the FAA has determined that Notices 66-28, 67-1, and 67-1A should be withdrawn.

Withdrawal of these notices constitutes only such action, and does not preclude the FAA from issuing other notices in the future or commit the FAA to any course of action in the future.

In consideration of the foregoing, Notices 66-28, 67-1, and 67-1A, respectively published in the FEDERAL REGISTER on August 5, 1966 (31 F.R. 10536), January 12, 1967 (32 F.R. 329), and March 4, 1967 (32 F.R. 3749), are hereby withdrawn.

Issued in Washington, D.C., on December 21, 1967.

This withdrawal is issued under the authority of sections 313(a), 601, and 602, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422).

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 67-15098; Filed, Dec. 28, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-AL-29]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Homer transition area to encompass a newly established standard instrument departure procedure and alter the effective time of the control zone at Homer, Alaska. There is no change proposed in the area description of the Homer control zone.

It is necessary to change the effective time of the control zone because weather observations will not be available for 16 hours each week. Weather observations will not be taken during the low aeronautical activity periods from 2145 on Saturdays to 0545 on Sundays, and from 2145 on Sundays to 0545 on Mondays. Based on the proposed weather observation schedule, the effective hours, local time, of the control zone would be from 0600 Mondays through 2145 Saturdays and from 0600 through 2145 Sundays.

In order to provide for minor changes in the control zone time designation due to weather observer schedule adjustments, the effective times of the control zone are hereafter proposed to be established in advance by Notice to Airman and continuously published in the Alaska Airman's Guide and Chart Supplement. The time of designation would coincide with the hours of aviation weather reporting service provided jointly by the Federal Aviation Administration and Environmental Science Services Administration (Weather Bureau).

Additionally, in order to provide the necessary airspace protection for a recently approved instrument departure procedure, the Homer transition area would be enlarged by designating that airspace extending upward from 1,200 feet above the surface within a 54-mile radius of the Homer VOR extending counterclockwise from the south boundary of Victor 536E, west of Homer, to the west bundary of Victor 438W, southwest of Homer. Therefore, the Homer transition area is proposed to be described as follows:

That airspace extending upward from 1,200 feet above the surface, within 8 miles south and 5 miles north of the 265° T (241° M) and 085° T (061° M) bearings from the Homer RR, extending from 13 miles west to 7 miles east of the RR; and within 8 miles northwest and 5 miles southeast of the Homer VOR 224° T (200° M) and 044° T (020° M) radials, extending from 13 miles southwest to 7 miles northeast of the VOR; and within a 54-mile radius of the Homer VOR extending counterclockwise from the south boundary of Victor 436E, west of Homer, to the west boundary of Victor 438W, southwest of Homer.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

Issued in Anchorage, Alaska, on December 20, 1967.

These amendments are proposed under the authority of section 307(a), of the Federal Aviation Act of 1958 (49 U.S.C. 1340).

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 67-15130; Filed, Dec. 28, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-137]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Wichita, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

New public radar instrument approach procedures have been developed for Piper Airpark, Wichita, Kans., Beech Factory Airport, Wichita, Kans., Cessna Aircraft Co. Airport, Wichita, Kans., Rawdon Feld, Wichita, Kans. and Augusta Municipal Airport, Augusta, Kans. In addition, a review of the public instrument approach procedures for Wichita Municipal Airport indicates that the 700-foot floor transition area extension north of the Wichita Municipal Airport 8-mile radius area is no longer required. Therefore, it is necessary to alter the Wichita 700-foot floor transition area to protect aircraft executing these new approach procedures and to delete that portion which is no longer required. Those portions of the Wichita transition area which have floors of 1,200 feet above the surface and 3,500 feet MSL will not be changed by this proposal.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

WICHITA, KANS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Wichita Municipal Airport (latitude 37°37'25" N., longitude 97°16'00" W.); within 5 miles east and 8 miles west of the Wichita Municipal Airport ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; within an 8-mile radius of McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); within 2 miles each side of the McConnell AFB ILS localizer south course extending from the 8-mile radius area to 8 miles south of the OM; within a 5-mile radius of Augusta, Kans., Municipal Airport (latitude 37°40'15" N., longitude 97°04'40" W.); within 2 miles each side of the 009° and 189° bearings from Augusta Municipal Airport, extending from the 5-mile radius area to 6 miles north and south of the airport; within a 5-mile radius of Piper Airpark (latitude 37°45'00" N., longitude 97°13'00" W.); and within 2 miles each side of the 344° bearing from Piper Airpark, extending from the 5-mile radius area to 6 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the INT of the north boundary of V-516 and longitude 96°29'00" W., thence extending northwest to the INT of a line 10 miles southeast of and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37°10'00" N., thence northeast along a line 10 miles southeast of and parallel to the Emporia VORTAC 209° radial to the Emporia VORTAC 134° radial, thence northwest along the Emporia VORTAC 134° and 314° radials to, and west along the north boundary of V-10 to, and northeast along the west boundary of V-77 to, and southwest along the southeast boundary of V-280 to, and east along the north boundary of V-10 to longitude 97°15'00" W., thence southwest to latitude 38°00'30" N., longitude 97°28'00" W., thence southwest to the INT of the northwest boundary of V-12N and longitude 97°56'25" W., thence southwest along the northwest boundary of V-12N to, and south along the west boundary of V-125 to, and southeast along the southwest boundary of V-74 to the Ponca City, Okla., VORTAC 217° radial, thence northeast along the Ponca City VORTAC 217° and 047° radials to, and northeast along the northwest boundary of V-516 to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at the INT of the north boundary of V-516 and longitude 96°29'00" W., thence northwest to the INT

of a line 10 miles southeast of and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37°10'00" N., thence northeast along a line 10 miles southeast of and parallel to the Emporia VORTAC 209° radial to, and southeast along the southwest boundary of V-132 to, and southeast along a line 12 miles southwest of and parallel to the Chanute, Kans., VOR 334° and 154° radials to, and south along the west boundary of V-131 to, and southwest along the northwest boundary of V-516 to the point of beginning, excluding the portions which overlie the Ponca City, Okla., and Emporia, Kans., transition areas.

Issued at Kansas City, Mo., on December 8, 1967.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-15131; Filed, Dec. 28, 1967; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-78]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Lakeview, Oreg., terminal area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

New instrument approach and departure procedures utilizing the Lakeview radio beacon have been developed for the Lake County-Lakeview Airport, Lakeview, Oreg. As a result, it is necessary to designate 700-foot and 1,200-foot floor transition area to protect aircraft executing the prescribed instrument procedures.

The 700-foot floor portion of the transition area would provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. It will also provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface.

The proposed 1,200-foot floor transition area will provide controlled airspace protection during those portions of prescribed instrument approach and departure procedures conducted at or above 1,500 feet above the surface.

In view of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (32 F.R. 2148) the following transition area is added:

LAKEVIEW, OREG.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lake County-Lakeview Airport (latitude 42°09'35" N., longitude 120°24'15" W.), and within 2 miles each side of the 180° bearing from the Lakeview RBN (latitude 42°09'15" N., longitude 120°24'18" W.), extending from the RBN to 8 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9 miles west of the 180° and 360° bearings from the Lakeview RBN extending from 5 miles north to 18 miles south of the RBN.

Issued in Los Angeles, Calif., on December 20, 1967.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67-15132; Filed, Dec. 28, 1967; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1033, 1034]

[Ex Parte No. 252 Sub 1]

INCENTIVE PER DIEM CHARGES FOR 1968

Notice of Proposed Rule Making

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of December 1967.

Public Law 89-430, effective May 26, 1966, amended section 1(14)(a) of the Interstate Commerce Act, so as to require this Commission to determine the adequacy and requirements of the national freight car supply and to impose incentive elements of per diem charges upon the users of such cars if found to be necessary, subject to specified limitations. The investigation in Docket Ex Parte No. 252, Incentive Per Diem Charges, 332 I.C.C. 11, demonstrated the inadequacy of information now available to make the determinations required by the aforesaid statute, as amended. Whether a need exists for enforcement of the incentive element authority, and the manner and amount thereof, require further proceedings and the accumulation of reliable current data on a continuing basis. Therefore:

It is ordered, That under authority of Part I of the Interstate Commerce Act (49 U.S.C. 1, et seq.) more particularly section 1(14)(a) and the Administrative Procedure Act (5 U.S.C. 553, 556, and 557) a proceeding be, and it is hereby, instituted for the purpose of implementing those provisions of the law relating to our authority to encourage the acquisition and maintenance of an adequate car supply as specified in Public Law 89-430.

It is further ordered, That all common carriers by railroad subject to the Interstate Commerce Act be, and they are hereby, made respondents to this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, directed to participate in this proceeding.

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing at the offices of the Interstate Commerce Commission, Washington, D.C., on a date hereafter to be fixed. Prehearing conference may be held upon notice by the Hearing Examiner. Upon timely requests, by shippers, associations, or other interested parties, consideration will be given to the setting of hearings at other places. Requests for leave to intervene may be made orally at the time of the hearing and should not be made prior thereto.

It is further ordered, That each carrier listed on the Appendix [1] hereto, shall complete and file, in accordance with the accompanying instructions, the Data Sheet for Railroad Freight Car Study (both attached) [1] and, until further order, shall maintain the underlying records. (A list of study dates, not necessarily the same dates, is being furnished each carrier named in the appendix. A list of stations at which the study is to be made is also furnished each Class I carrier shown in the appendix. Selected Class II carriers are required to make the study at all stations).

And it is further ordered, That a copy of this order, together with the appendix, the Data Sheet forms and accompanying instructions, be served upon each respondent, each public utility commission or board or similar regulatory body of each State, The Secretary, Department of Transportation, the Association of American Railroads—Car Service Division, the American Short Line Railroad Association; that a copy be posted in the office of the Secretary of this Commission, as well as in each field office; that a copy of the order be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER; and that the lists of stations and dates to be studied, be served upon the particular respondent designated thereon.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-15109; Filed, Dec. 28, 1967; 8:49 a.m.]

[1] Appendix and forms filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-856]

CALIFORNIA

Notice of Classification of Public Lands For Multiple-Use Management

DECEMBER, 19, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, the public lands in paragraph 3 are classified for multiple-use management together with any lands therein that may become public lands in the future. Publication of this notice segregates the lands from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws, except as to lands described in paragraph 4 of this notice which are further segregated from the operation of the mining laws (30 U.S.C. Ch. 2).

As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Comments were received following publication of the notice of proposed classification (32 F.R. 13083 of Sept. 14, 1967) and at the public hearing at Grass Valley, which was held on September 28, 1967.

All comments submitted favored the proposed classification. There are no changes in the final classification from the proposed classification. The record showing reaction to the classification made by members of the public attending or interested in the hearing is on file and can be examined in the Folsom District Office, Folsom, Calif. 95630.

3. The public lands affected by this classification are located within the following described areas and are shown on the Nevada-Yuba Planning Unit Classification Map, on file in the Folsom District Office, 63 Natoma Street, Folsom, Calif., and on the Sacramento Land Office records, Bureau of Land Management, 650 Capitol Mall, Sacramento, Calif.:

MOUNT DIABLO MERIDIAN, CALIFORNIA

BLOCK NO. 1

All public lands in:
T. 18 N., R. 6 E.,
Secs. 1 to 4, inclusive;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive.
T. 19 N., R. 6 E.,
Secs. 9 and 10;
Secs. 13 to 16, inclusive;
Secs. 21 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 18 N., R. 7 E.,
Secs. 18, 19, 20, 28, 29, and 30.

BLOCK NO. 2

All public lands in:
T. 16 N., R. 7 E.,
Secs. 1, 2, and 12.
T. 17 N., R. 7 E.,
Secs. 1 and 2;
Secs. 10 to 15, inclusive;
Secs. 20 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 16 N., R. 8 E.,
Secs. 6 and 7.
T. 17 N., R. 8 E.,
Secs. 1 to 34, inclusive.
T. 18 N., R. 8 E.,
Sec. 36.
T. 17 N., R. 9 E.,
Secs. 1 to 22, inclusive;
Secs. 27 to 30, inclusive.
T. 18 N., R. 9 E.,
Secs. 31 to 36, inclusive.
T. 17 N., R. 10 E.,
Secs. 5 to 8, inclusive;
Secs. 16, 17, 18, 21, 22, 27, 28, 33, and 34.
T. 18 N., R. 10 E.,
Secs. 29, 31, and 32.

BLOCK NO. 3

All public lands in:
T. 15 N., R. 7 E.,
Sec. 6.
T. 16 N., R. 7 E.,
Secs. 24, 25, and 36.
T. 15 N., R. 8 E.,
Secs. 2, 4, 5, and 6.
T. 16 N., R. 8 E.,
Secs. 19 and 20;
Secs. 29 to 32, inclusive.

BLOCK NO. 4

All public lands in:
T. 15 N., R. 9 E.,
Secs. 1 and 2;
Secs. 10 to 15, inclusive.
T. 16 N., R. 9 E.,
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 15 N., R. 10 E.,
Secs. 4 to 7, inclusive.
T. 16 N., R. 10 E.,
Sec. 13;
Secs. 19 to 24, inclusive;
Secs. 26 to 34, inclusive.

BLOCK NO. 5

All public lands in:
T. 14 N., R. 6 E.,
Sec. 8, SW¼SE¼, and SW¼SW¼;
Sec. 18, S½SE¼.
T. 17 N., R. 7 E.,
Sec. 8, SE¼SE¼.
T. 17 N., R. 11 E.,
Sec. 30, lot 5;
Sec. 31, lot 44;
Sec. 32, lot 44.

The public lands proposed to be classified aggregate approximately 13,158 acres.

4. As provided in paragraph 2 above, the following lands are segregated from appropriation under the mining laws (totaling approximately 672 acres):

MOUNT DIABLO MERIDIAN

T. 19 N., R. 6 E.,
Sec. 13, NW¼NW¼, and E½SW¼NW¼.
T. 17 N., R. 8 E.,
Sec. 5, lots 10, 11, 12, and 13;
Sec. 6, lots 18, 19, 20, 21, and 22.
T. 17 N., R. 9 E.,
Sec. 3, lot 3, and S½NW¼;
Sec. 4, SE¼NE¼.
T. 18 N., R. 9 E.,
Sec. 34 NE¼SW¼, W½NW¼SW¼, S½NE¼NW¼SW¼, SE¼NW¼SW¼, S½SW¼, and W½W½SE¼.

5. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided in 43 CFR 2411.2(c).

J. R. PENNY,
State Director, Bureau of Land Management, Department of the Interior.

[F.R. Doc. 67-15087; Filed, Dec. 28, 1967; 8:47 a.m.]

[Serial No. U-4069]

UTAH

Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating the public lands in the area described below from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334) and from sales under Section 2455 of the Revised Statutes (43 U.S.C. 1171). The land shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The lands proposed to be classified are those lands administered by the Bureau of Land Management within the following-described area which lies within a 40-mile radius of Price, Utah, all in Salt Lake Meridian:

UTAH COUNTY

T. 11 S., R. 8 E.,
Secs. 12 and 13.
T. 11 S., R. 9 E.,
Secs. 1–30, 33–35.

DUCHESNE AND UINTAH COUNTIES

All the public land within the following described area:

Beginning at a point where the Ashley National Forest boundary intersects the county boundary line common to Duchesne and Utah Counties, near the northwest corner of sec. 18, T. 11 S., R. 10 E., thence easterly following the National Forest boundary to a point where it intersects the west line of lot 3, sec. 16, T. 10 S., R. 15 E.; thence south about one-quarter mile to the north quarter corner of sec. 21, T. 10 S., R. 15 E.; thence east one-quarter mile; south one-quarter mile; east one-quarter mile; south one-half mile; east one-quarter mile; south one-quarter mile; west one-quarter mile to the southeast corner of sec. 21, T. 10 S., R. 15 E., thence south one-half mile; west one-quarter mile; south three-quarters mile; west one-quarter mile; south one-half mile; east one-quarter mile; south about one-quarter mile; thence east to the northeast corner of sec. 4, T. 11 S., R. 15 E.; thence south about 1 mile to the southeast corner sec. 4, T. 11 S., R. 15 E.; thence east three-quarters mile; south one-quarter mile; east three-quarters mile; south one-quarter mile; east one-half mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-quarter mile; north one-quarter mile; east one-quarter mile to the east quarter-corner sec. 12, T. 11 S., R. 15 E.; thence east about three-quarters mile; north one-quarter mile; east one-half mile; north one-quarter mile; east one-half mile; north one-quarter mile; east three-quarters mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-half mile; south one-quarter mile; east three-quarters mile; south one-quarter mile; east 1 mile; south one-half mile; east 1 mile; north one-quarter mile to the northeast corner, sec. 12, T. 11 S., R. 16 E.; thence east about 1 mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-half mile; south one-quarter mile to the southeast corner sec. 17, T. 11 S., R. 17 E.; thence east one-half mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-half mile; south one-quarter mile; east one-quarter mile; north one-quarter mile; east three-quarters mile; north one-quarter mile; east one-quarter mile; north one-quarter mile; east one-quarter mile; north one-quarter mile; west one-quarter mile; north one-half mile; east three-quarters mile; south one-quarter mile; east 1 mile; south one-quarter mile; east one-half mile; north one-half mile; east three-quarters mile; south three-quarters mile to the south quarter corner sec. 17, T. 11 S., R. 18 E.; thence south three-quarters mile; west one-quarter mile; south one-half mile; east three-quarters mile; north one-quarter mile; east approximately one-half mile to a point on the Green River, said point being located near the northeast corner of lot 3, sec. 28, T. 11 S., R. 18 E.; thence southerly along the west bank of the Green River to the intersection of the Uintah County boundary and the Carbon County boundary; thence west along the boundary common to Carbon and Duchesne Counties to the intersection of the boundary common to Duchesne and Utah Counties; thence north along the county boundary to the point of beginning; excluding the NW¼ of sec. 11 and SW¼NW¼ of sec. 12, T. 11 S., R. 11 E., and secs. 34 and 35, T. 10 S., R. 11 E.

CARBON COUNTY

SALT LAKE MERIDIAN, UTAH

Starting where the Carbon-Uintah County line intersects the Green River; thence west along the north Carbon County line to where it intersects the Minnie Maud Road in sec. 5, T. 12 S., R. 12 E.; thence southeast along the road to the Nine Mile Canyon Road; thence east along the Nine Mile Canyon Road to the west section line of sec. 15, T. 12 S., R. 13 E.; thence east one-half mile, south three-quarter mile, east one-half mile, south 2 miles, west one-half mile, south one-half mile, west one-quarter mile, south one-quarter mile, west one-quarter mile, south one-quarter mile, west to the north quarter corner of sec. 4, T. 13 S., R. 13 E.; thence south to the southwest corner of the NW¼NE¼, sec. 9, T. 13 S., R. 13 E.; thence west one-quarter mile, south three-quarter mile, east three-quarter mile, south 1 mile, east 3 miles, south 1 mile, east 1 mile, south 1 mile, east 1 mile, south 1 mile, east 2 miles, south 3 miles, east approximately 1½ miles to the bottom of Range Creek; thence down the Range Creek drainage to the Carbon-Emery County line; thence east along the county line to where it intersects the Green River; thence in a northerly direction along the Green River to the point of beginning.

Also, starting at a point on the county line common to Utah and Carbon Counties where it intersects the Beaver Creek road on the north section line of sec. 2, T. 12 S., R. 8 E.; thence southwest along the Beaver Creek road to the center of sec. 33, T. 12 S., R. 8 E.; thence in a southeast direction to the northeast corner of the SE¼SE¼, sec. 33, T. 12 S., R. 8 E.; thence east approximately 1 mile to the Spring Canyon Road; thence in a southeast direction along the road to a point where it intersects the east section line of sec. 2, T. 13 S., R. 8 E.; thence south to the southeast corner of sec. 2, T. 13 S., R. 8 E.; thence west 2 miles, south 1 mile to the southwest corner of sec. 10, T. 13 S., R. 8 E.; thence southwest in a straight line to the center of sec. 26, T. 13 S., R. 17 E., west one-quarter mile, south 1½ miles to the National Forest boundary; thence south and east along the boundary to where it intersects the Carbon-Emery County line; thence east along the county line 12½ miles to the south quarter corner of sec. 34, T. 15 S., R. 10 E., north 2 miles, west three-quarter mile, north one-quarter, west one-quarter mile, north one-half mile, west one-half mile; north one-half mile, west 4 miles, north 6 miles, east 1 mile, north 5 miles, east 1¼ miles, south one-half mile, east three-quarter mile, south 1½ miles, east one-half, south 1 mile, east one-half mile, south one-half mile, east 1 mile, south one-half mile, east 1¾ miles, south 1 mile, west one-quarter mile, south one-half mile, east one-half mile, south one-half mile, east one-half mile, south one-half mile, east 2½ miles, north one-half mile, east 1¼ miles, south three-quarter mile, east one-quarter mile, south 2½ miles, west one-quarter mile, south 1¼ miles, west one-quarter mile, south one-half mile, west 1 mile, south 3 miles to the Carbon-Emery County line; thence east along the county line to the southwest corner of the SE¼SE¼, sec. 32, T. 15 S., R. 14 E., north 1 mile, west one-quarter mile, north one-half mile, west one-half mile, north one-quarter mile, west one-half mile, north one-half mile, west one-half mile, north 4½ miles, east one-half mile, north three-quarter mile, west one-quarter mile, north one-half mile, west one-quarter mile, north 2 miles, west 1 mile, north 1 mile, west 1 mile, north 1 mile, west 3 miles, north 1 mile, west three-quarter mile, north 1¼ miles, west 1¼ miles, north three-quarter mile, west 4 miles, north 1¼ miles, west one-half mile, south one-quarter mile, west 1 mile, south one-half mile, west 2 miles, north one-half mile, west one-half mile, north one-quarter mile, west one-half mile, north one-quarter mile, west three-quarter mile, north one-quarter mile, west three-quarter mile, north one-quarter mile, west 1 mile, north one-half mile, west 1 mile, north one-half mile, west 1 mile, north approximately 5½ miles to the Carbon-Duchesne County line; thence west along the Carbon-Duchesne and Carbon-Utah County lines to the point of beginning; except the following described land:

T. 13 S., R. 8 E., SLM
Sec. 28: W½SE¼, SE¼SW¼, W½SW¼;
Sec. 33: W½;
T. 14 S., R. 8 E., SLM
Sec. 3: Lots 1, 2, 3, 4, S½N½, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 4: Lots 1, 2, 3, 4, S½N½, N½S½, SE¼SE¼;
Sec. 9: NW¼NE¼, S½NE¼, SE¼;
Sec. 10: E½, SW¼, S½NW¼, NE¼NW¼;
Sec. 15: NW¼NW¼;
T. 13 S., R. 9 E., SLM
Sec. 35: SE¼NE¼.

3. For a period of 60 days from the date of publication of this Notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with this proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Drawer AB, Price, Utah 84501, or to the State Director, Post Office Box 11505, Salt Lake City, Utah 84111.

4. Maps showing the proposed classification areas, designated by Serial No. U-4069, are on file and may be reviewed at the Bureau of Land Management's district office at Price, and the State office, Federal Building, Salt Lake City, Utah.

5. Public hearings on the proposed classification will be held on January 25, 1968, at 1 p.m. in the courtroom of the Carbon County Courthouse, Price, Utah, and on January 25, 1968, at 7 p.m. in the courtroom of the Duchesne County Courthouse, Duchesne, Utah. At this time statements in support of our opposition to the proposal may be presented.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-15088; Filed, Dec. 28, 1967; 8:47 a.m.]

[Serial No. U-4342]

UTAH

Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws, except as noted below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the act of June 28, 1934 (48 Stat. 1269),

as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are those administered by the Bureau of Land Management within the following described areas in Juab County, Utah:

SALT LAKE MERIDIAN, UTAH

T. 9 S., R. 3 W.,
That part of township in Juab County.
T. 10 S., Rs. 2, 3, and 4 W.,
That portion of township in Juab County.
T. 11 S., R. 1 W.,
That part of the following subdivisions in Juab County:
Sec. 1: W½, W½E½;
Secs. 2, 10, and 11;
Sec. 12: N½;
Secs. 14, 15, 16, 21 to 23, 26 to 35.
T. 11 S., R. 2 W.,
That portion of township in Juab County.
T. 11 S., Rs. 3 W. to 20 W.,
All of townships.
T. 11½ S., R. 2½ W.,
All of township.
T. 12 S., R. 1 W.,
Secs. 2 to 11, 14 to 23.
T. 12 S., R. 2 W.,
That part of the following subdivisions in Juab County:
Secs. 1, 2, 5, 6, 7 to 24;
Sec. 27: W½;
Secs. 28 to 33;
Sec. 34: NW¼, S½.
T. 12 S., Rs. 2½ W. to 20 W.,
All of townships.
T. 13 S., R. 2 W.,
Secs. 3 to 10, 15 to 22, 27 to 34.
T. 13 S., Rs. 3 W. to 20 W.,
All of townships.
T. 14 S., R. 1 W.,
Sec. 7 Lots 12 to 15, 22 to 27, 28 to 31;
Sec. 18: Lots 6 to 13, 24 to 29.
T. 14 S., R. 2 W.,
Sec. 1: W½;
Secs. 2 to 11;
Sec. 12: W½, SW¼NE¼, NW¼SE¼, S½SE¼;
Secs. 13 to 24;
Sec. 25: W½NE¼, NW¼, W½SW¼;
Secs. 26 to 33.
T. 14 S., R. 3 W.,
Secs. 1 to 32, 35;
Sec. 36: That part east of the Sevier River.
T. 14 S., R. 4 W.,
Secs. 1 to 18;
Sec. 21: E½;
Secs. 22 to 27, 34 to 36.
T. 14 S., R. 5 W. to 20 W.,
Secs. 1 to 24, 27 to 34.
T. 14 S., Rs. 6 W. to 20 W.,
All of townships.
T. 15 S., R. 2 W.,
Secs. 4, 5, and 9;
Secs. 6, 7, and 8: That part east of Sevier River.

The area described aggregates approximately 1,365,340 acres of public domain land.

3. Publication of this notice also has the effect of segregating the lands described below from entry or location under the General Mining Laws, but not the Mineral Leasing Laws:

SALT LAKE MERIDIAN, UTAH

T. 11 S., R. 11 W.,
Sec. 13: SE¼SW¼.
T. 11 S., R. 13 W.,
Sec. 11: SW¼NE¼.
T. 11 S., R. 14 W.,
Sec. 23: NW¼NW¼.
T. 11 S., R. 15 W.,
Sec. 21: SW¼NE¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, NW¼SE¼SW¼.
T. 11 S., R. 17 W.,
Sec. 20: N½NE¼.
Sec. 21: N½NW¼.
T. 11 S., R. 18 W.,
Sec. 15: NW¼, SW¼NE¼, N½SW¼.
T. 12 S., R. 2½ W.,
Sec. 13: S½ Lot 4, S½ Lot 5.
T. 12 S., R. 3 W.,
Sec. 24: SE¼SE¼.
T. 12 S., R. 4 W.,
Sec. 29: SE¼, E½SW¼.
T. 12 S., R. 18 W.,
Sec. 5: E½ Lot 1, Lot 18;
Sec. 9: W½ Lot 4;
Sec. 14: NW¼SW¼;
Sec. 15: S½NE¼, N½SE¼;
Sec. 20: SW¼SE¼;
Sec. 29: Lots 1 and 2, NW¼NE¼.
T. 13 S., R. 5 W.,
Sec. 13: S½NE¼, N½SE¼.
T. 14 S., R. 8 W.,
Sec. 10: NW¼SE¼.
T. 14 S., R. 9 W.,
Sec. 12: NE¼SE¼.

The above-described area aggregates approximately 1,632.69 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box 778, Fillmore, Utah 84631; or to the District Manager, Bureau of Land Management, 1750 South Redwood Road, Salt Lake City, Utah 84104; or to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

5. The record and maps depicting these lands are on file and may be viewed at the Salt Lake District Office, 1750 South Redwood Road, Salt Lake City, in the Fillmore District Office, Fillmore, and the State office, Federal Building, Salt Lake City, Utah.

6. A public hearing on the proposed classification will be held January 16, 1968 at 1:30 p.m. in the courtroom of the Juab County Courthouse, Nephi, Utah.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-15089; Filed, Dec. 28, 1967; 8:47 a.m.]

[Utah 4466]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 22, 1967.

The Department of the Air Force has filed an application for the withdrawal of the lands described below from all forms of appropriation and use except grazing under the Taylor Grazing Act.

The applicant desires the land for the construction and operation of seismometer sites in conjunction with the Uinta Basin Observatory.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 4 S., R. 19 E.,
Sec. 13, N½ of lot 1.
T. 8 S., R. 20 E.,
Sec. 9, SW¼SE¼SE¼.
T. 7 S., R. 22 E.,
Sec. 35, NE¼NE¼NE¼.
T. 5 S., R. 23 E.,
Sec. 26, NE¼SE¼NW¼.

The lands described aggregate approximately 37 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-15090; Filed, Dec. 28, 1967; 8:47 a.m.]

[C-2656]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management; Correction

DECEMBER 14, 1967.

In F.R. Document 67-13983 appearing at page 16441 of the issue for Thursday, November 30, 1967, the following change should be made:

PARAGRAPH 2. That part which states "No protests or objections were received" should be corrected to read: "Comments in the form of an objection by a public-sale applicant were received following publication of the notice of proposed classification (32 F.R. 13387) and at the public hearing held on October 19, 1967, at Grand Junction, Colo. The comments have been carefully considered and evaluated, and the concensus at the pub-

lic hearing was for multiple-use management of the lands."

The lands involved:

UTE PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 3 W.,
Sec. 9, lots 11 and 12;
Sec. 10, lots 12 and 13;
Sec. 11, lot 6.

These lots aggregate approximately 80 acres.

The record showing comments received and other information is on file and can be examined in the Grand Junction District Office, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo. 81502.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-15119; Filed, Dec. 28, 1967; 8:49 a.m.]

[C-2786]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

DECEMBER 22, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below together with any lands therein that may become public lands in the future are hereby classified for multiple-use management. Publication of this notice segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Chapters 7 and 9; 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used in this order, "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (32 F.R. 14607) or at the public hearing held on November 9, 1967, at Eagle, Colo. The record showing the comments received and other information is on file and can be examined in the Glenwood Springs District Office, Bureau of Land Management, Glenwood Village Inn, Post Office Box 1009, Glenwood Springs, Colo. 81601, and in the Land Office, Bureau of Land Management, Room 15019 Federal Building, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

EAGLE COUNTY

Block A

T. 3 S., R. 83 W.,
Secs. 2 to 5, inclusive;
Secs. 15, 22, 26 to 35, inclusive.
T. 4 S., R. 83 W.,
Secs. 2 to 11, inclusive;
Secs. 13, 14, 15, 18, 19, 23, 24, 25, and 30.
T. 4 S., R. 82 W.,
Secs. 19, 20, 21, 28 to 34, inclusive.
T. 5 S., R. 82 W.,
Secs. 1, 2, 3, and 12, north of the Eagle River.

The public lands described in this block aggregates approximately 17,800 acres.

Block B

T. 4 S., R. 84 W.,
Secs. 24 to 27, inclusive, south of the Eagle River;
Secs. 33 to 36, inclusive, south of the Eagle River.
T. 5 S., R. 84 W.,
Secs. 1, 2, 3, 11, 12, 13, and 24.
T. 5 S., R. 83 W.,
Secs. 6, 7, 18, 19, 20, 21, and 28.

The public land described in this block aggregate approximately 7,300 acres.

Block C

T. 5 S., R. 81 W.,
Secs. 9, 10, 11, 12, 14, 15, 17, 18, 22, 23, 26, 27, and 34.
T. 5 S., R. 82 W.,
Sec. 12, south of the Eagle River;
Sec. 13.

The public lands described in this block aggregate approximately 4,200 acres.

The total area described aggregates approximately 29,300 acres of public land.

3. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

J. ELLIOTT HALL,
Acting State Director.

[F.R. Doc. 67-15120; Filed, Dec. 28, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

1967 CROP PEANUTS

Indemnification

Pursuant to the provisions of section 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the amendment hereinafter set forth to the Terms and Conditions of Indemnification Applicable to 1967 Crop Peanuts (32 F.R. 6732) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of the Terms and Conditions is necessary to permit indemnification of handlers sustaining losses due to rejections not recognized in the original issuance. In isolated cases, chemical analysis of the product made from remilled lots raises the suspicion that a portion or all of the product produced therefrom is unwholesome due to aflatoxin. In this event, the manufacturer withholds the product from market and, to cover his loss, rejects the handler invoice on the peanuts or claims reimbursement.

Therefore, after the present seventh paragraph of the Terms and Conditions of Indemnification Applicable to 1967 Crop Peanuts there is added the following paragraph:

Claims for indemnification on 1967 crop peanuts may be filed by any handler sustaining a loss as a result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which had been remilled pursuant to these terms and conditions. The committee shall pay, to the extent of the raw peanut equivalent value of the product so withheld, such claim as it determines to be valid.

This amendment should be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with indemnification. Marketing of the 1967 peanut crop is partly completed and at least one handler has already sustained a loss of the type covered by the amendment. Hence, this amendment should be effective as soon as possible, i.e., on the effective date specified herein.

The foregoing amendment is hereby approved and issued this 22d day of December 1967 to become effective December 22, 1967.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 67-15103; Filed, Dec. 28, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NATIONAL BUREAU OF STANDARDS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

In accordance with NBS policy of giving notices regarding changes in phases of seconds pulses, notice is hereby given that there will be no adjustment on February 1, 1968, in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo. The carrier frequency of WWVB is 60 kHz and is broadcast without offset. These emissions are made following the stepped atomic time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be an adjustment in the phases of time pulses emitted from radio stations WWV, Fort Collins, Colo., and WWVH, Maui, Hawaii. The clocks at these stations are to be advanced 100 ms at 0000 UT on February 1, 1968, as announced by the BIH. The time pulses on these stations will continue to occur at intervals which are longer than 1 second by 300

parts in 10" due to the offset maintained in the carrier frequencies of stations which follow the universal time (UTC) system, also coordinated by the BIH.

Phase adjustments, when needed, insure that the emitted pulses from all stations will remain within about 100 ms of the UT2 scale, a nonuniform scale associated with the rotation of the earth. NBS obtains daily UT2 information from forecasts of extrapolated UT2 clock readings provided weekly by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

A. V. ASTIN,
Director.

DECEMBER 15, 1967.

[F.R. Doc. 67-15068; Filed, Dec. 28, 1967; 8:46 a.m.]

Office of the Secretary

SOFTWOOD LUMBER STANDARD

Notice of Issuance of Recommended Standard for Softwood Lumber and Related Procedural Rules

On August 21, 1967, the Secretary of Commerce announced: "It is time for forthright action to bring the lumber standards controversy to a conclusion. A solution by agreement among the affected interests is apparently not possible under our procedures. In this situation, we should not let all the progress toward sound national standards and effective enforcement and inspection become blocked either by an effective veto of a minority of interests or dominated by a few regional interests. For the good of the entire country, we should have a truly national standard."

The Secretary added: "While we cannot issue a mandatory standard without congressional authorization, we can meet our responsibility and the country's needs by recommending a national voluntary lumber standard. We have the authority to develop and publish such standards in cooperation with industry and Government agencies. We intend to use this authority to publish a lumber standard, working with the most representative body in existence, the American Lumber Standards Committee, as well as other interested parties. We intend to act through an appropriate public process to develop and recommend this national standard * * *. Under this solution, we do not have to resubmit the recommended voluntary standard to an industry vote because it will be developed by a public process similar to rule making."

The Secretary then stated that the following steps would be taken:

1. The American Lumber Standards Committee, a committee appointed by the Secretary of Commerce and representative of producers, distributors and consumers of lumber as well as others, will be given the opportunity to give advice on the kind of a standard the Secretary should publish.

2. Based on these recommendations and other relevant information and discussions, the Department will propose a standard and publish it in the FEDERAL REGISTER for public comment, at which time, if need be, evidentiary hearings will be commenced to explore in depth the implications of the proposed standard and to get the best possible technical information on the feasibility of performance standards which are not in the standard which was recently not accepted.

3. The Department then will publish its standard and at that time will withdraw the existing standard. The Department's work will also be in cooperation with other Federal agencies, and they will be invited to participate in the public process. Industry, of course, will be under no legal obligation to follow the standard published.

Following the announcement, the Department of Commerce published a Notice in the FEDERAL REGISTER (32 F.R. 13088, Sept. 14, 1967) inviting interested persons to submit suggestions on the kind of standard which should be proposed. Advice, proposals and comments have been received from the American Lumber Standards Committee and from many others in response to the Notice and each submission has been carefully considered. As indicated in the Secretary's announcement, a proposed standard (herein the "Proposed Recommended Standard") has been prepared, based on the above and "other relevant information and discussions". The text of the Proposed Recommended Standard is appended.

The Secretary has determined that the public process leading to a final recommended standard should include the solicitation of written and oral comments from the public at a public hearing to "explore in depth the implications of the (Proposed Recommended Standard) and to get the best possible technical information on the feasibility of performance standards which are not in the standard which was recently not accepted." Procedures established for the sole purpose of governing public participation in this process are appended and effective herewith. Following the close of the public hearing and consideration of, among other things, the material adduced thereby, a final recommended standard (herein the "Recommended Standard") will be published and the existing standard (SPR 16-53) withdrawn.

The Recommended Standard, while based on materials drawn from many sources including but not limited to materials presented at the public hearing, will reflect solely the views of the Department of Commerce and will contain no provisions compelling others to adopt or comply with the same. As set forth in the procedures, relevant comment is invited on all sections of the Proposed Recommended Standard; interested parties are particularly invited to comment on Sections 4.4.3 (Dressed sizes), 5.3.1 (Grading—Stresses), and 9.4 (Function of the Board). With respect to Section 4.4.3, specific attention is directed to comments received from the West Coast Lumber Inspection Bureau on October 9, 1967, which are available for public inspection and copying at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. (herein referred to as the "Commerce Facility").

PROCEDURE FOR ADOPTION OF A RECOMMENDED STANDARD FOR SOFTWOOD LUMBER

1. Notice is hereby given that the Secretary of Commerce intends to issue and publish a Recommended Standard for softwood lumber pursuant to 15 U.S.C. 272 (Reorg. Plan No. 3 of 1946, Part VI, and other applicable provisions of law.

2. The Proposed Recommended Standard set forth at the conclusion of this notice was developed following consideration of relevant information and advice registered by the American Lumber Standards Committee and by other interested persons responding to the Notice published in the FEDERAL REGISTER of September 14, 1967 (32 F.R. 13088), as well as of other relevant information, views and expertise. The comments of the American Lumber Standards Committee and other responses to the aforesaid notice are available for public inspection and copying at the Commerce Facility.

3. Written comments on the Proposed Recommended Standard are invited from all interested persons, including other Federal agencies. Persons desiring to register written comments shall submit them in five copies to the Assistant Secretary for Science and Technology, Room 5884, U.S. Department of Commerce, Washington, D.C., on or before January 31, 1968. All such written submissions shall:

(a) Identify the specific section or sections of the Proposed Recommended Standard to which comments are being addressed.

(b) Where the purpose of the comment is to effect a revision in the language of the Proposed Recommended Standard, include the exact text of the desired revision.

(c) State the reasons for each position taken.

(d) Contain all the material considered relevant to any statement made in the submission.

(e) Include the data and other written material upon which the person making the submission proposes to rely in support of the position taken on each point, and in opposition to positions, arguments and data submitted by other persons.

(f) In addition to written comments, include a statement whether the person making a submission intends to participate in the oral hearing provided hereinbelow in paragraphs 5-7.

4. All written comments, including supplementary materials thereto, received by the Department from interested persons will be made available for public inspection and copying at the Commerce Facility.

5. The Department will hold an oral hearing for the purpose of receiving from any interested persons, including other Federal agencies, any relevant material respecting the Proposed Recommended Standard, commencing at 9:30 a.m. on Monday, February 19, 1968, in Room 6802, Main Commerce Building, Washington, D.C. Persons wishing to make an

oral presentation at this hearing shall file in five copies a written notice of appearance with the Assistant Secretary for Science and Technology on or before February 12, 1968. The notice of appearance shall include:

(a) The specific section or sections or parts thereof of the Proposed Recommended Standard to which comments at the hearing are to be addressed;

(b) A brief statement of position to be taken at the hearing as to each such section, including the issues, the reasons for such position, and if revisions in the Proposed Recommended Standard are suggested, the exact text of such revisions;

(c) The period of time requested for the presentation;

(d) The name and title of the individual who will make the presentation.

All notices of appearance will be made available for public inspection and copying at the Commerce Facility.

6. The hearing shall be conducted by a presiding officer appointed by the Secretary and empowered to impose reasonable time limitations upon the length of time allotted to any person, to make rulings on relevancy, materiality, unnecessary accumulation of materials, and all other matters arising at the hearing, whether or not specifically covered hereby. A five-member panel appointed by the Secretary will sit with the presiding officer and question participants in order to develop the views of all interested persons. Participants will be sworn and shall be prepared to respond to questions from the panel on all aspects of their presentation. No questions will be addressed to participants except by the presiding officer and the panel. No findings of fact or recommendations will be made by the presiding officer or by the members of the panel.

7. A stenographic transcript of the public hearing and exhibits submitted thereat will be made available for public inspection and copying at the Commerce Facility. Exhibits received at the hearing as part of the oral presentation of interested persons will be numbered and made a part of the record of the hearing. Any persons present at the hearing may, by motion addressed to after the date the transcript becomes available to him, move to correct the transcript in any respect he believes it to be inaccurate. Copies of the transcript may be obtained from the reporter upon payment of the prescribed fee. Any person desiring a copy of the transcript or of any written exhibit or of other material filed with the Commerce Facility may obtain such upon request and upon payment of the cost thereof.

8. Within 21 days after the termination of the hearing, any interested person may submit written rebuttal materials in five copies to the Assistant Secretary for Science and Technology. Such rebuttal may be addressed to the written comments submitted prior to the public hearing or to the record of the public hearing. A copy of such rebuttal will be available for public inspection and copying at the Commerce Facility.

9. All oral and written comments and other materials which are received by the Department pursuant to and responsive to this notice will be fully considered and evaluated. The Recommended Standard need not be exclusively based upon the written comments, the record of the hearing, and other information and views presented to the Department by interested persons in response to this notice. The Department may utilize other methods to obtain additional information from interested persons, including consultation with other Federal agencies. It may also rely upon data contained in its own files, on its own expertise, and on its own views or opinions. It may use all of these means to assure informed administrative action and protection of the public interest. The Recommended Standard will be issued by the Secretary and published in the FEDERAL REGISTER. The existing standard for softwood lumber (SPR 16-53) will be thereupon withdrawn.

10. Any interested person may, in accord with 5 U.S.C. 553(e), petition the Secretary to amend or repeal all or any part of the procedural rules contained in this notice. Such petitions may be submitted at any time but, unless the Secretary in his discretion shall otherwise elect, no such petition shall delay the hearing. Each petition shall be submitted in five copies to the Assistant Secretary for Science and Technology, Main Commerce Building, Washington, D.C. 20230. The petition shall (a) set forth the text of the rule to be amended or repealed, and the text of the proposed rule, as the case may be; (b) explain the interest of the petitioner in the action requested; and (c) contain any information and arguments available to the petitioner to support the action sought. The decision on each petition shall be made by the Secretary and the petitioner promptly notified. Unless the Secretary otherwise specifies, no public hearing, argument or other proceeding will be held on a petition before its disposition. Each notice denying a petition will be accompanied by a brief statement of the procedural or other grounds for denial. The petition and related documents will be made available for public inspection and copying at the Commerce Facility, subject to 5 U.S.C. 552.

TEXT OF PROPOSED RECOMMENDED STANDARD FOR SOFTWOOD LUMBER

1. PURPOSE

1.1. General. The responsibility of the entire softwood lumber industry for maintaining in the public interest, nationally recognized size, grade, and inspection standards is recognized. The purpose of this publication is to establish standards for the size, grade, and inspection of softwood lumber.

This recommended standard is intended to establish a common basis for uniform industrywide inspection and grade marking practices for each piece of lumber which is produced and sold in accordance with the provisions hereof. The standard also provides a standardized working basis for the coordination of the grades of the various species of softwood lumber and for the preparation of grading rules applicable to each species. These American Lumber Standards are not intended for use either as grading rules or as purchase specifications.

2. SCOPE

2.1. General. This recommended standard covers the principal trade classifications and sizes of softwood lumber for yard, structural, and shop use. It provides a common basis of understanding for the classification, measurement, grading, and grade marking of rough and dressed sizes of various items of lumber, including finish, boards, dimension, and timbers.

2.2 Supplementary. This standard also includes the following:

(1) The organization and functions of the American Lumber Standards Committee and its Board of Review,

(2) The standard commercial names of the principal softwood species,

(3) The standard definitions of terms used in describing standard grades of lumber,

(4) The standard lumber industry abbreviations.

3. RECOMMENDATIONS

3.1 General. Standard terms and practices are defined and discussed in this section to encourage and promote the use of uniform methods in the grading, inspection, measurement, and description of softwood lumber.

3.2 Application. This standard applies to such lumber as may be identified as a manufactured product derived from a softwood log in a sawmill, or in a sawmill and planing mill, which when rough shall have been sawed, edged, and trimmed at least to the extent of showing saw marks in the wood on the four longitudinal surfaces of each piece for its overall length, and which has not been further manufactured than by crosscutting, ripping, resawing, joining crosswise and/or endwise in a flat plane, surfacing with or without end matching, and working.

3.3 Designation—"American Standard Lumber." Lumber conforming to the basic minimum size and grade provisions of the American Lumber Standards, when graded under rules approved by the Board of Review of the American Lumber Standards Committee, as hereinafter provided, may be designated "American Standard Lumber."

3.4 Terminology.

3.4.1 Dry Lumber. For the purposes of this standard, dry lumber is defined as lumber which has been seasoned or dried to a moisture content of 19 percent or less.

3.4.2 Green Lumber. For the purpose of this standard, green lumber is defined as lumber having a moisture content in excess of 19 percent.

3.4.3 Species. The standard commercial names, or their commonly accepted trade names for lumber cut from the principal species of softwoods, are given in Section 10, and should be used in the formulation of lumber grading rules and

in the terms of purchase and sale of American Standard Lumber.

3.4.4 Characteristics. The limitations of any grade of lumber described in certified grading rules should be expressed within the terms of the definitions in Section 11, which forms a part of this standard.

3.4.5 Abbreviations. The standard lumber abbreviations are shown in Section 12, which forms a part of this standard.

3.5 Measurement and Tally.

3.5.1 Board Measure. "Board measure" is the term used to indicate that a board foot is the unit of measurement of lumber. The number of board feet in a piece is obtained by multiplying the nominal thickness in inches by the nominal width in feet by the length in feet, except for lumber with a nominal thickness less than 1 inch, for which the number of board feet equals the product of the nominal width in feet by the length in feet.

3.5.2 Tally, Standard Sizes. Lumber should be tallied board measure. Lumber of standard sizes should be tallied and described on the invoice by showing the number of pieces of each size and length in the shipment. In shipments based on board measure, a piece tally in board feet for each length should be shown on the invoice.

3.5.3 Tally Nonstandard Sizes. Lumber finished to special nonstandard sizes should be tallied as of either the rough or the nominal size necessarily used in its manufacture, and the actual thickness and width of such lumber should be shown on the invoice.

3.5.4 Board Rule Tally. In lumber specified to be measured with a board rule on actual widths, pieces measuring to the even half foot are alternately counted as of the next higher and lower foot count; fractions below the half foot are dropped and fractions above the half foot are counted as of the next higher foot.

3.5.5 Averages—Length, Width. The average length in feet of a shipment of lumber is computed by dividing the total length in feet by the total number of pieces in the shipment. The average width in inches of a shipment of lumber 1 inch or less in thickness is computed by dividing the total board feet by the total length in feet, and multiplying the result by 12; but if thicker than 1 inch, the total board foot tally is divided first by the nominal thickness as expressed in inches and fractions of an inch.

3.6 Special Provisions.

3.6.1 Bundled Lumber. Each length of bundled lumber except end-matched lumber and bevel and bungalow siding should be bundled separately.

3.6.2 Rough Finish. In shipments of rough finish and boards, pieces ½-inch or more above the nominal thickness, such as may be produced by uneven sawing, may, at the option of the buyer, be rejected or be accepted as of the next lower grade.

3.6.3 Specified Lengths. The marketing practice covering lengths of lumber should permit the buyer to obtain specified lengths, or specified assortments of lengths.

4. CLASSIFICATIONS OF AMERICAN STANDARD LUMBER

4.1 General. American Standard softwood lumber includes only lumber of the classifications shown below.

TABLE 2—NOMINAL AND MINIMUM DRESSED DRY SIZES OF SIDING AT 19 PERCENT MAXIMUM MOISTURE CONTENT
(The thicknesses apply to all widths and all widths to all thicknesses.)

Item	Thicknesses		Face widths	
	Nominal [1]	Minimum dressed	Nominal	Minimum dressed
	(*Inches*)	(*Inches*)	(*Inches*)	(*Inches*)
Bevel siding	½	7/16 butt, 3/16 tip	4	3 3/16
	9/16	15/32 butt, 3/16 tip	5	4 1/2
	⅝	9/16 butt, 3/16 tip	6	5 1/2
	¾	11/16 butt, 3/16 tip	8	7 1/4
	1	¾ butt, 3/16 tip	10	9 1/4
			12	11 1/4
Bungalow siding	¾	11/16 butt, 3/16 tip	8	7 1/4
			10	9 1/4
			12	11 1/4
Rustic and drop siding (shiplapped, ⅜-in. lap)	⅝	9/16	4	3 1/8
	1	23/32	5	4 1/16
			6	5 1/16
Rustic and drop siding (shiplapped, ½-in. lap)	⅝	9/16	4	3
	1	23/32	5	3 15/16
			6	4 15/16
			8	6 15/16
			10	8 15/16
			12	10 15/16
Rustic and drop siding (dressed and matched)	⅝	9/16	4	3 1/4
	1	23/32	5	4 1/16
			6	5 1/16
			8	6 1/4
			10	8 1/4

[1] For nominal thicknesses under 1 inch, the board measure count is based on the nominal surface dimensions (width by length). With the exception of nominal thicknesses under 1 inch, the nominal thicknesses and widths in this table are the same as the board measure or count sizes.

TABLE 3—NOMINAL AND MINIMUM DRESSED SIZES OF BOARDS, DIMENSION, AND TIMBERS.
(The thicknesses apply to all widths and all widths to all thicknesses.)

Item	Thicknesses			Face widths		
	Nominal	Minimum dressed		Nominal	Minimum dressed	
		Dry [1]	Green [1]		Dry [1]	Green [1]
	(*Inches*)	(*Inches*)	(*Inches*)	(*Inches*)	(*Inches*)	(*Inches*)
Boards [2]	1	¾	25/32	2	1½	1 9/16
	1¼	1	1 1/32	3	2 9/16	2 5/8
	1½	1¼	1 9/32	4	3 9/16	3 5/8
				5	4½	4 5/8
				6	5½	5 5/8
				7	6½	6 5/8
				8	7½	7 5/8
				9	8½	8¾
				10	9½	9¾
				11	10½	10¾
				12	11½	11¾
				14	13½	13¾
				16	15½	15¾
2-inch Dimension	2	1½	1 9/16	2	1½	1 9/16
				3	2 9/16	2 5/8
				4	3 9/16	3 5/8
				6	5½	5 5/8
				8	7½	7 5/8
				10	9½	9¾
				12	11½	11¾
				14	13½	13¾
				16	15½	15¾
Dimension over 2 inch thick dry or green	2½	2⅛		3	2⅝	
	3	2⅝		4	3⅝	
	3½	3⅛		6	5½	
	4	3⅝		8	7½	
				10	9½	
				12	11½	
				14	13½	
				16	15½	
Timbers dry or green	5 and thicker	½ off		5 and thicker	½ off	

[1] Boards less than the minimum thickness for 1 inch nominal but ⅝ inch or greater thickness dry (1 1/16 inch green) may be regarded as American Standard Lumber, but such boards shall be marked to show the size and condition of seasoning at the time of dressing. They shall also be distinguished from 1 inch boards on invoices and certificates.
[2] See paragraphs 3.4.1 and 3.4.2 for the definitions of dry and green lumber.

4.2 Use Classifications. Softwood lumber is classified by use as follows:

(1) *Yard lumber*—Lumber of those grades, sizes and patterns which is generally intended for ordinary construction and general building purposes.

(2) *Structural lumber*—Lumber that is 2 or more inches in nominal thickness and width for use where working stresses are required.

(3) *Factory and shop lumber*—Lumber that is produced or selected primarily for remanufacturing purposes (see 5.4).

4.3 Manufacturing Classifications. Softwood lumber is classified according to extent of manufacture as follows:

(1) *Rough lumber*—Lumber that has not been dressed (surfaced) but which has been sawed, edged, and trimmed at least to the extent of showing saw marks in the wood on the four longitudinal surfaces of each piece for its overall length.

(2) *Dressed (surfaced) lumber*—Lumber that has been dressed by a planing machine (for purpose of attaining smoothness of surface and uniformity of size) on one side (S1S), two sides (S2S), one edge (S1E), two edges (S2E), or a combination of sides and edges (S1S1E, S1S2E, S2S1E, S4S).

(3) *Worked lumber*—Lumber which in addition to being dressed has been matched, shiplapped, or patterned.

(a) *Matched lumber*—Lumber that has been worked with a tongue on one edge of each piece and a groove on the opposite edge, to provide a close tongue-and-groove joint by fitting two pieces together; when end-matched, the tongue and groove are worked in the ends also.

(b) *Shiplapped lumber*—Lumber that has been worked or rabbeted on both edges of each piece to provide a close lapped joint by fitting two pieces together.

(c) *Patterned lumber*—Lumber that is shaped to a pattern or to a molded form, in addition to being dressed, matched, or shiplapped, or any combination of these workings.

4.4 Size Classifications. Softwood lumber is classified according to size as follows:

4.4.1 Nominal Size. Softwood lumber is classified by nominal size as follows:

(1) *Boards*—Lumber less than 2 inches in nominal thickness and 2 or more inches (nominal) wide. Boards less than 6 inches (nominal) wide may be classified as strips.

(2) *Dimension*—Lumber from 2 inches to, but not including 5 inches in nominal thickness, and 2 or more inches (nominal) wide. Dimension may be classified as framing, joists, planks, rafters, studs, small timbers, etc.

(3) *Timbers*—Lumber 5 or more inches nominally in least dimension. Timber may be classified as beams, stringers, posts, caps, sills, girders, purlins, etc.

4.4.2 Roughdry[1] Size. The minimum roughdry thickness of finish, common boards, and dimension of sizes 1 or more inches nominal thickness shall be not less than ⅛-inch thicker than the corresponding minimum finished dry thickness except that 20 percent of a shipment may be not less than 3/32-inch thicker than the corresponding minimum finished dry thickness. The minimum roughdry widths of finish, common strip, boards, and dimension shall be not less than ⅛-inch wider than the corresponding minimum finished dry width.

4.4.3 Dressed Sizes. Dressed sizes of lumber shall equal or exceed the minimum sizes shown in Tables 1, 2, 3, 4, and 5. (Refer also to paragraph 5.5.5 covering length and paragraph 7.2 for grade marking nonstandard sizes.)

TABLE 1—NOMINAL AND MINIMUM DRESSED DRY SIZES OF FINISH, FLOORING, CEILING, PARTITION, AND STEPPING AT 19 PERCENT MAXIMUM MOISTURE CONTENT

(The thicknesses apply to all widths and all widths to all thicknesses except as modified.)

Item	Thicknesses		Face widths	
	Nominal [1]	Minimum dressed	Nominal	Minimum dressed
	(Inches)	(Inches)	(Inches)	(Inches)
Finish	3/4	5/16	2	1½
	5/4	7/16	3	2 9/16
	6/4	9/16	4	3 9/16
	7/4	5/8	5	4½
	1	¾	6	5½
	1¼	1	7	6½
	1½	1¼	8	7¼
	1¾	1⅜	9	8¼
	2	1½	10	9¼
	2½	2	11	10¼
	3	2 9/16	12	11¼
	3½	3 1/16	14	13¼
	4	3 9/16	16	15¼
Flooring [2]	3/8	5/16	2	1 5/16
	½	7/16	3	2¼
	5/8	9/16	4	3¼
	1	¾	5	4 5/16
	1¼	1	6	5 5/16
	1½	1¼		
Ceiling [2]	3/8	5/16	3	2¼
	½	7/16	4	3¼
	5/8	9/16	5	4 5/16
	¾	1 1/16	6	5 5/16
Partition [2]	1	25/32	3	2¼
			4	3¼
			5	4 5/16
			6	5 5/16
Stepping [2]	1	¾	8	2¼
	1¼	1	10	9¼
	1½	1¼	12	11¼
	2	1½		

[1] For nominal thicknesses under 1 inch, the board measure count is based on the nominal surface dimensions (width by length). With the exception of nominal thicknesses under 1 inch, the nominal thicknesses and widths in this table are the same as the board measure or count sizes.

[2] In tongued-and-grooved flooring and in tongued-and-grooved and shiplapped ceiling of 5/16 inch, 7/16 inch, and 9/16 inch dressed thicknesses, the tongue or lap shall be 5/16 inch wide, with the overall widths 5/16 inch wider than the face widths shown in the table above. In all other worked lumber of dressed thicknesses of ⅜ inch to 1¼ inch, the tongue shall be ¼ inch wide or wider in tongued-and-grooved lumber, and the lap ⅜ inch wide or wider in shiplapped lumber, and the overall widths shall be not less than the dressed face widths shown in the above table plus the width of the tongue or lap.

TABLE 4.—NOMINAL AND MINIMUM DRESSED SIZES OF (2- INCH AND UNDER) SHIPLAP, CENTERMATCH AND D & M.

(The thicknesses apply to all widths and all widths to all thicknesses.)

Item	Thicknesses			Face widths		
	Nominal	Minimum dressed		Nominal	Minimum dressed	
		Dry [1]	Green [1]		Dry [1]	Green [1]
	(Inches)	(Inches)	(Inches)	(Inches)	(Inches)	(Inches)
Shiplap ¾-inch lap	1	¾	25/32	4	3¼	3 5/16
				6	5 5/16	5 5/16
				8	7	7⅛
				10	9	9¼
				12	11	11¼
				14	13	13¼
				16	15	15¼
Shiplap ½-inch lap	1	¾	25/32	4	3	3 5/16
				6	4 15/16	5 5/16
				8	6⅞	7
				10	8⅞	9⅛
				12	10⅞	11⅛
				14	12⅞	13⅛
				16	14⅞	15⅛
Centermatch ¼-inch tongue	1	¾	25/32	4	3¼	3 5/16
	1¼	1	1 1/32	5	4 5/16	4 5/16
	1½	1¼	1 9/32	6	5 5/16	5 5/16
				8	7⅛	7¼
				10	9⅛	9⅜
				12	11⅛	11⅜
2" D & M ⅜-inch tongue	2	1½	1 9/16	4	3⅛	3 5/16
				6	5	5⅛
				8	7	7⅛
				10	9	9¼
				12	11	11¼
2" Shiplap	2	1⅝	1 9/16	4	3	3 5/16
				6	4 15/16	5 5/16
				8	6⅞	7
				10	8⅞	9⅛
				12	10⅞	11⅛

[1] See paragraphs 3.4.1 and 3.4.2 for the definitions of dry and green lumber.

[1] Roughdry means before dressing and at moisture content specified for seasoned lumber in paragraph 5.6.1.

TABLE 5—WORKED LUMBER, SUCH AS FACTORY FLOORING, HEAVY ROOFING DECKING, AND SHEET PILING.

(The thicknesses apply to all widths and all widths to all thicknesses.) See "Note"

Thicknesses[1]		Face widths	
Nominal (*Inches*)	Minimum Dressed (Dry or Green) (*Inches*)	Nominal (*Inches*)	Minimum Dressed (Dry or Green) (*Inches*)
TONGUE AND GROOVED			
2½	2½	4	3½
3	2½	6	5½
3½	3½	8	7
4	3½	10	9
5	4½	12	11
SHIPLAP			
2½	2½	4	3
3	2½	6	5
3½	3½	8	7
4	3½	10	9
5	4½	12	11
GROOVED-FOR-SPLINES			
2½	2½	4	3½
3	2½	6	5½
3½	3½	8	7½
4	3½	10	9½
5	4½	12	11½

NOTE: In worked lumber of nominal thicknesses of 2 inches and over, the tongue shall be ⅜ inch wide in tongued-and-grooved lumber and the lap ½ inch wide in shiplapped lumber, with the overall widths ⅜ inch and ½ inch wider, respectively, than the face widths shown in the above table. Double tongued-and-grooved decking may be manufactured with a 7/16 inch tongue and double T & G nominal 4 inches thick may be surfaced 3½ inches thick.

[1] See table 3 for information on 2-inch dimension.

5. GRADING PROVISIONS

5.1 Standards for Grading. To the extent to which differences in the characteristics of species, in the quality of logs, in conditions of manufacture, and in the uses to which the product is put will permit, in practical application, the basic provisions for the grading of lumber shall be uniform. The grading of lumber cannot be considered an exact science, because it is based on either a visual inspection of each piece and the judgment of the grader or on the results of a method of mechanically determining the strength characteristics of structural lumber (see 5.3.2). Grading rules, however, shall be sufficiently explicit to establish a maximum of 5 percent below grade as a reasonable variation between graders. If any grading rules indicate that a grade qualifies under two use classifications, the grade provisions shall satisfy the requirements for both classifications.

5.2 Yard lumber.

5.2.1 Grade Classifications. The grading of yard lumber is based upon the uses for which the particular grade is designed, and is applied to each kind with reference to its size and length when graded, without consideration to further manufacture. On the basis of quality, the basic grade classifications of yard lumber are as follows:

(1) *Select:* Lumber of good appearance and finishing qualities.

(a) Suitable for natural finishes.

(i) Practically clear.

(ii) Generally clear, and of high quality.

(b) Suitable for paint finishes.

(i) Adapted to high-quality paint finishes.

(ii) Intermediate between high finishing grades, and common grades and partaking somewhat of the nature of both.

(2) *Common:* Lumber which is suitable for general construction and utility purposes.

(a) For standard construction use.

(i) Suitable for better type construction purposes.

(ii) Well adapted for good standard construction.

(iii) Designed for low-cost temporary construction.

(b) For less exacting construction purposes.

(i) Low quality.

(ii) Lowest recognized grade must be usable.

5.2.2 Grade Characteristics. The method of determining the extent and limitations of the characteristics permitted in the poorest pieces admissible in each grade of yard lumber shall be stated in an approved rule except in the lowest grade of each classification. A grade shall be representative, however, and shall not comprise only low-line pieces.

5.2.3 Grade Sizes. The dressed thicknesses and widths of yard lumber as specified in section 4.4 shall be considered as minimum standards for the corresponding nominal sizes as shown. Lumber of standard size, rough or dressed, should be described by its nominal dimension.

5.2.4 Grading—Faces. Timbers and dimension shall be graded from all four faces. All yard lumber and yard boards may be graded from the face or best side only.

5.3 Structural Lumber.

5.3.1 Grading—Stresses. Working stress values contained in grading rules shall be developed in accordance with appropriate ASTM standards and other technically sound criteria. (The National Bureau of Standards, with the advice and counsel of the U.S. Forest Products Laboratory, shall be the final authority as to the appropriateness of such standards or criteria.) The Board of Review shall seek the assistance of the Forest Products Laboratory in reviewing working stress values set forth in grading rules, and, in the case of each set of grading rules submitted for approval, the Board shall obtain a report from the Laboratory to verify that the claimed values have been developed in accordance with the standards and criteria described above. Rules-writing agencies shall make available upon request an explanation of the means by which working stress values contained in rules have been derived.

5.3.2 Grading—Mechanical. The grading of structural lumber by mechanical means is recognized as an acceptable method of grading, but all such grading equipment and methods are subject to approval and certification by the Board of Review.

5.3.3 Grading—Faces. Timbers and dimension shall be graded from all four faces.

5.4 Factory and Shop Lumber.

5.4.1 Grade Classification. The end use of factory and shop lumber produced from different species and in the several regions varies considerably; accordingly, the American Lumber Standard grade classifications shall be those promulgated by the several agencies which formulate and publish grading rules and which have been approved by the Board of Review.

5.4.2 Grade Characteristics. Factory and shop lumber is graded with reference to its use for doors and sash, or on the basis of characteristics affecting its use for general cutup purposes, or on the basis of size of cutting. The grade of factory and shop lumber shall be determined by the percentage of the area of each board or plank available in cuttings of specified or of given minimum size and qualities. The grade of factory and shop lumber shall be determined from the poor face, although the quality of both sides of each cutting must be considered.

5.4.3 Grade Sizes. The end use of factory and shop lumber produced from different species and in the several regions varies considerably; accordingly, the American Lumber Standard grade sizes shall be those promulgated by the several agencies which formulate and publish grading rules and which have been approved by the Board of Review.

5.4.4 Warped Lumber. The cuttings in warped lumber shall be so laid out as to surface two sides to standard thickness and have straight edges parallel to the edges of the board or plank.

5.5 General Grading Provisions.

5.5.1 Grade Characteristics. Characteristics permitted and limitations for rough lumber shall be the same as those prescribed in grading rules for dressed lumber of like kind and grade, and in addition, such others as will disappear in standard dressing shall be allowed. If characteristics other than those described in certified grading rules are encountered, they shall be appraised in relation to the characteristics permitted or limitations prescribed for the grade under consideration, and shall be allowed if regarded as equivalent or less damaging in effect on the strength, appearance, or other utility value of the piece. The characteristics and limitations in any grade or species vary as the area of the piece increases or diminishes with respect to the basic size or area specified, but their size shall not exceed that permitted in the respective grading rules.

5.5.2 Special Provisions. When heartwood, sapwood, grain classifications, and other optional provisions are specified, and the lumber conforms to the requirements of such special provisions as well as of the regular grade designated, it may be regarded as of standard quality.

5.5.3 Mixed Grades. Mixed grades other than the two highest established

grades for each species shall not be included in certified grading rules.

5.5.4 Nonstandard Grades. When nonstandard grades, sizes, or workings are specified, or when particular provisions of a standard grade are waived or changed, inspection shall be made accordingly, but all of the other provisions of the standard grading rules shall apply.

5.5.5 Standard Lengths. Standard lengths of lumber shall be in multiples of 1 or 2 feet as specified in the certified grading rules.

5.5.6 Trimmed Lengths. Unless otherwise stated in the contract of purchase, yard lumber shall be trimmed for the removal of spur and splintered ends, and if 2 inches and less in nominal thickness (except lath), shall be double-end-trimmed to a length that is not scant of nominal length and that is not over 3 inches in excess of nominal length.

5.6 Seasoning Provisions.

5.6.1 General. Grading rule provisions dealing with lumber seasoning and moisture content shall be developed by each region in accordance with its own conditions and the requirements of the users of its products, subject to the other provisions of this section. Provisions for seasoned lumber shall be expressed in terms of maximum moisture content to be allowed at any point on each piece. The restrictions on the moisture content of seasoned lumber shall apply at the time of shipment, as well as at the time of dressing, if dressed lumber is involved, and at the time of any reinspection on moisture content as provided in the applicable grading rules. Moisture content determinations shall be made with electric meters of the types described in Section 9, Method B of ASTM D-2016-65, "Methods of Test for Moisture Content of Wood," and the procedures to be used in making such determinations shall be in accordance with those described in Section 11, Method B of ASTM D-2016-65.[2]

5.6.2 Grading Rules. The grading rules for each species or region shall include clear definitions for dry (see 3.4.1) 2 inch nominal and thinner lumber, which shall be based on 19 percent or lower maximum moisture content, but the grading and grade marking of green (3.4.2) or dry lumber of any item as American Standard Lumber is a matter for each rules publishing agency to determine in accordance with its own conditions.

5.6.3 Dry Size Requirements. The grading rules shall require all 2 inch nominal and thinner lumber sold as dry to be 19 percent or less in moisture content at the time of dressing, and to be not less than American Lumber Standards minimum dry dressed thickness and width at 19 percent moisture, or at such lower moisture content as the lumber may be at the time of dressing. The minimum dressed dry sizes are shown in Tables 1, 2, 3, 4, and 5. Shrinkage that may occur after dressing to standard size shall be recognized through the allowance of a tolerance below minimum American Lumber Standards sizes on the basis of 1 percent shrinkage for each four points of moisture content reduction, or 0.7 percent shrinkage for Redwood, Western Red Cedar, and Northern White Cedar for each 4 points of moisture content reduction.

5.6.4 Size Differentials. When the grading rules in any region permit lumber of 2 inch nominal thickness and less to be dressed green, the rules shall require that the lumber be dressed to sizes specifically stated in the rules, which sizes shall provide differentials both in thickness and width on a basis that will cause the lumber to be not less than American Lumber Standards minimum sizes at 19 percent maximum moisture content.

5.6.5 Green Size Requirements. The green sizes specifically stated in the rules shall be not less than the green sizes[3] shown in Tables 3, 4, and 5, except for Redwood, Western Red Cedar, and Northern White Cedar. (For these three species, the following minimum dressed thicknesses shall apply: $2\frac{1}{32}$ inch for the corresponding $\frac{5}{8}$ inch dry, $2\frac{5}{32}$ inch for nominal 1 inch, and $1\frac{17}{32}$ inch for 2 inch nominal. The following minimum green dressed widths shall apply: $2\frac{5}{8}$ inch and $3\frac{5}{8}$ inch for nominal 3 inch and 4 inch, $4\frac{9}{16}$, $5\frac{9}{16}$, and $6\frac{9}{16}$ inch for nominal 5 inch, 6 inch, and 7 inch, $7\frac{5}{8}$, $9\frac{5}{8}$, and $11\frac{5}{8}$ inch for nominal 8 inch, 10 inch, and 12 inch, $13\frac{11}{16}$ and $15\frac{11}{16}$ for nominal 14 inch, and 16 inch.) Shrinkage that may occur after dressing to standard size shall be recognized through the allowance of a tolerance above minimum American Lumber Standards dry sizes on the basis of 1 percent greater dimension for each 4 points of moisture content above 19 percent, or 0.7 percent greater tolerance for Redwood, Western Red Cedar, and Northern White Cedar for each 4 points of moisture content above 19 percent.

5.6.6 Grading Marking. When grading rules provide for grading and grade marking of green lumber of 2-inch thickness and less, the rules shall contain a provision that will distinguish such lumber in the market place which will be understandable to the purchaser and consumer.

6. INSPECTION PROVISIONS

6.1 General. Subject to freedom of agreement between buyer and seller as to the settlement of complaints, the purchase, sale, or shipment of American Standard grades of lumber is construed as involving agreement to submit to reinspection by the certified inspection agency under whose published rules the lumber was graded, any complaint involving grades, sizes, moisture content, or tally. Grading rules shall include provisions for reinspection in case of complaint, available to anyone at reasonable costs.

6.2 Payment—Certificate Costs. When a certified agency issues a certificate on a shipment, the party requesting the certificate shall pay for the cost thereof.

6.3 Service. Inspection service is required to be available for the inspection of grades not described in the rules only when written, detailed specifications accompany the request for such inspection, and for the inspection of standard grades in nonstandard sizes only on the basis of paragraph 5.5.4, unless otherwise prescribed in the contract of purchase and sale.

6.4 Complaints. Grade complaints may be recognized on lumber only when it is in the form in which it was shipped. Any subsequent change in manufacture or working or through kiln-drying will relieve the seller of responsibility of any grade complaints.

6.5 Inspection and Reinspection Procedures.

6.5.1 Buyers Responsibilities. In case of complaint, the buyer is required to accept that portion of the shipment that is of the grade, size, or moisture content specified and shall hold intact that portion which is disputed for inspection or reinspection. Any action on the part of the buyer in accepting and using such portion of the shipment that is of the grade, size or moisture content specified shall not be construed as the acceptance of the entire shipment. The buyer shall hold the disputed material intact, properly protected, for not exceeding 30 days after date of the request for inspection or reinspection. The buyer shall file complaint with the seller within the time specified in the following provisions. The buyer shall pay in accordance with the terms of the sale for that portion which he accepts, but acceptance by the buyer of a part of a shipment does not prejudice his just claims on account of any unused lumber that is alleged by him to be not of the grade, size, or moisture content specified.

6.5.2 Sellers Responsibilities. Upon receipt of complaint from the purchaser, the seller shall immediately request the agency under whose rules shipment has been made, or such other agency as may have been agreed upon, to provide inspection or reinspection, or retally, as the case may be, according to its grading rules in effect at the time of execution of contract.

6.5.3 Cost and Assistance. The expense of such inspection or reinspection or retally shall be borne in accordance with the inspection provisions of the applicable grading rules, but the person calling for the reinspection shall be responsible to the agency for the costs thereof. The purchaser shall lend all reasonable assistance to facilitate the inspection or reinspection or retally.

6.5.4 Tally, Grade, and Size Complaints. In case of complaint involving tally, the entire item shall be held intact

[2] Copies of ASTM standards can be purchased from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa. 19103.

[3] The minimum green sizes are based on shrinkage factors of 2.85 percent in thickness and 2.80 percent in width from the fiber saturation point to a 19-percent maximum moisture content, with recognition given to manufacturing practices, differences in shrinkage characteristics between species of lumber and the most practical groupings for efficient use.

for retally. In case of complaint regarding grade or size, but not involving tally, the buyer is required to hold intact that portion thereof the grade or size which is in dispute for inspection and file complaint with the seller within 10 days of date of receipt of shipment.

6.5.5 Moisture Content Complaints. In case of complaint involving moisture content, the customer must inform the shipper of the complaint within 72 hours after the lumber is unloaded. In such cases, the shipper shall answer such complaint within 72 hours from receipt of complaint. A reinspection involving a complaint on moisture content shall be made in accordance with the provisions of the applicable grading rules. Each piece shall be tested for moisture content and a separation made of all pieces conforming to the maximum allowable from any portion exceeding such maximum.

6.5.6 Reinspection Results. Each item of a shipment shall be considered as of the grade invoiced if, upon reinspection under the grading rules under which the lumber has been graded and sold, 95 percent thereof or more is found to be of said grade or better. When degrades, in grade or moisture content or both, are in excess of 5 percent of the board footage of each item, or when they are more than one grade lower than the grade invoiced, such degrades shall be kept separate and shall be the property of the seller unless otherwise agreed. These provisions shall not apply in the case of specially worked lumber.

7. GRADE MARKING PROVISIONS

7.1 Agency Certification and Supervision. When American Standard Lumber is grade marked, the grade marking shall be under the direction, including regular grading supervision at mills, of an agency certified by the Board of Review of the American Lumber Standards Committee as competent and having adequate facilities for such supervision.

7.1.1 Agency Procedure. Each certified agency shall submit procedures with respect to grade marking to the Board of Review for approval.

7.1.2 Agency Symbol. Each agency, so certified by the Board of Review, shall maintain a bona fide supervisory inspection service, under which each mill authorized to use the registered symbol of the certified agency [4] in conjunction with the grade mark will be checked regularly as to grading efficiency and conformity to all the agency established rules for grade marking.

7.2 The Grade Mark. When American Standard Lumber is grade marked, the grade marking shall be subject to the following provisions:

(1) The grade mark shall signify that the lumber conforms to the size, grade, and seasoning provisions of the rules under which it is graded. When 2 inch and thinner green lumber is graded and grade marked (see also 5.6.6) under the applicable grading rules, it shall comply with the green size requirements of such rules. If lumber is dressed to a size below minimum American Lumber Standards requirements or below the minimum sizes set forth in the applicable grading rules, the stamp must show size, and if 2-inch nominal and thinner, in addition, must state whether the lumber was dry or green when dressed. If lumber is dressed to less than the standard thickness of 1-inch nominal, the stamp must show the dressed thickness and whether the lumber was green or dry when dressed.

(2) An easily distinguishable mark or insignia, registered and symbolizing grading supervision by a certified agency, shall be used in conjunction with the grade mark for each agency.

(3) All pieces and/or bundles of a given grade shall be grade marked.

(4) Mixed grades other than the two highest recognized grades for each species shall not be grade marked with a combination grade designation; if grade marking is required, each piece of a grade so grade marked shall be grade marked as of its actual grade.

(5) A certified agency may provide further regulations for the use of its grade mark, provided the basic provisions of this section are observed.

7.3 Delegation of Grading Authority. Permission to grade mark may be delegated by any agency certified by the Board of Review to operate a mill supervisory service, to those mills which are able to prove their ability to conform and their conformance currently with the grading rules for the species and grades which they manufacture, and which agree to maintain the established standards of size and grade and to submit their lumber to inspection by the supervisory agency, both at the mill and upon complaint at destination.

8. AMERICAN LUMBER STANDARDS COMMITTEE

8.1 Appointment of Members. The members of the American Lumber Standards Committee and their alternates shall be appointed by the Secretary of Commerce for terms of not less than 2 nor more than 5 years.

8.2 Composition of Committee. The following procedures shall apply in making appointments to the Committee.

(1) Each agency which participates in this program and which formulates, publishes and maintains grading rules and maintains inspection facilities covering the various lumber species shall nominate two persons for each member allotted to that agency. Members and their alternates shall be appointed from the nominees furnished by each agency according to the number of members allotted to each of the agencies as follows:

Agency	Members Allotted
Southern Pine Inspection Bureau	2
Western Wood Products Association	2
West Coast Lumber Inspection Bureau	2
Redwood Inspection Service	1
Northwestern Lumber Manufacturers Association	1
Northern Hardwood & Pine Association	1
Each other agency qualifying under this category	1

(2) Each lumber inspection agency which participates in this program and which does not publish grading rules may nominate one person for membership. Nominations may be made in the same manner by firms or organizations which are not members of inspection or rules-writing agencies. Three members of the Committee and their alternates shall be appointed from among the nominees so furnished.

(3) Nominations of persons for membership on the committee shall be received from firms or organizations within lumber specifying, distributing and consuming groups at the request of the Secretary, and members shall be appointed from those groups, as follows:

Groups	Members Allotted
Lumber Distributors & Wholesalers	2
Lumber Retailers	2
Intermediate Manufacturers (formerly millwork manufacturers)	1
Wood-Using Industries	1
General Contractors	1
Home Builders	1
Architects and Engineers	2

(4) The Secretary may appoint members to represent the general public consumer at large.

(5) Each nomination for membership on the Committee shall be submitted to the Secretary of Commerce by the appropriate agency, firm, or organization upon request or whenever a vacancy occurs in the segment represented. Each nomination shall contain:

a. A summary of the qualifications of the nominee.

b. A statement of the method or procedure by which the nominee was selected by the agency, firm, or organization, and the procedures under which he will exercise his responsibility for the agency or segment of the industry he represents.

c. A statement of any interests, financial or otherwise, which the nominee may have in agencies or segments of the industry other than the one he represents.

d. For agencies submitting more than one nominee, a listing in the order of priority recommended for appointment.

(6) Ex officio, nonvoting members may be appointed from the following Federal agencies:

Department of Defense.
Department of Agriculture.
Department of Interior.
General Services Administration.
Federal Housing Administration.
National Bureau of Standards.

8.2.1 Balance of Representation. The Secretary of Commerce may from time to time make such changes in the constitution of the Committee or make additional appointments as he deems necessary to maintain a proper balance of the industry and to insure that the views of the Committee are adequately representative of the entire lumber industry (including producers, distributors, and consumers).

8.2.2 Committee Secretary. Except as provided in paragraph 8.3(1) below, the executive officer of the Board of Review

[4] Facsimilies of the grade marks of the grading and inspection agencies that are certified by the American Lumber Standards Committee shall be made available to purchasers, consumers, and specifiers by the American Lumber Standards Committee.

shall serve as the Secretary of the American Lumber Standards Committee.

8.3 Functions of Committee. The functions of the American Lumber Standards Committee shall be:

(1) To consider proposals for further revisions of or amendments to the American Lumber Standards, which may result in recommendations to the Secretary of Commerce.

(2) To cooperate with the U.S. Department of Commerce in establishing and making continuously available as the needs of the industry and trade may demand, basic standards of lumber size, pattern, quality, inspection, and reinspection.

(3) To determine the standards by which the Board of Review, as hereinafter provided, shall adjudge and approve as in conformance with the American Lumber Standards:

a. Any published grading rules.

b. The competency and reliability of, and the adequacy of, the facilities provided by agencies publishing grading rules for the purpose of lumber certification, inspection, reinspection, and the supervision of grade marking.

c. The competency and reliability of and the adequacy of the facilities provided by lumber inspection agencies participating in this program that do not publish grading rules.

(4) To advise with the Board of Review with respect to the interpretation or application of the published American Lumber Standards, and the detailed requirements defined and set up by the American Lumber Standards Committee in connection therewith.

(5) To fix, after consultation with the agencies participating in the use of its facilities, such charges and fees as the committee finds to be necessary to cover the actual cost, including necessary reserves and provisions for contingencies, of carrying out its functions and those of the Board of Review. Such charges and fees shall be assessed at a uniform proportionate rate against the agencies participating in the use of the facilities of the committee. The certification of any agency not paying its assessment within 60 days after notification by the Secretary of the Committee shall be revoked by the Board of Review.

8.4 Transaction of Business.

8.4.1 Meetings. A majority of the members of the American Lumber Standards Committee representing agencies which formulate, publish, and maintain grading rules and maintain inspection facilities, together with a majority of the other members, shall constitute a quorum for the transaction of business, and a vote of the majority of those present shall decide any question that may come before a meeting; but if at any meeting of the Committee there shall be less than a quorum present, a majority of those present may either adjourn the meeting from time to time or act on the subjects before it, subject to ratification in writing by the respective majorities which constitute a quorum.

8.4.2 Correspondence. Business may be transacted by correspondence without having been previously presented at a meeting of the committee, in accordance with rules to be established by the committee.

8.4.3 Committee Recommendations. A recommendation of the Committee to the Secretary of Commerce to revise or amend the American Lumber Standards must be approved by three-quarters of all members of the Committee who are eligible to vote. The voting on such a final recommendation shall be conducted by the Department if conducted by letter ballot. If such voting is accomplished at a meeting of the Committee, the balloting will be by roll call conducted by the Chairman of the Committee.

9. THE BOARD OF REVIEW

9.1 Election and Selection of Members. Except for the members of the Board of Review representing agencies of the Federal Government (who shall be named by the agencies they represent), the members of the Board of Review shall be selected by the American Lumber Standards Committee by a vote of the members, a quorum being present, for terms coextensive with those of the Committee.

9.2 Composition of the Board. The Board of Review shall be composed of seven members of the American Lumber Standards Committee and four representatives of agencies of the Federal Government, as follows: Members of the Committee—one each representing The Southern Pine Inspection Bureau, The Western Wood Products Association, The West Coast Lumber Inspection Bureau, all other inspection agencies participating in this program, architects or engineers, building code officials, and consumers or users of lumber.

From the Federal Government—One each representing The National Bureau of Standards, The Forest Products Laboratory, The Federal Housing Administration, and the Defense Supply Agency.

The members of the American Lumber Standards Committee elected to the Board shall have one vote each on any matter before the Board. The representatives of the agencies of the Federal Government shall be nonvoting members of the Board.

9.2.1 Executive Officer. The Board of Review shall elect an executive officer who shall assume the responsibilities and perform the duties delegated to him by the Committee or the Board of Review. Such executive officer shall not be in the employment of, or have any interest in, any lumber organization, company, or inspection agency during his tenure as executive officer of the Board of Review.

9.3 Autonomy of Board. The Board of Review of the American Lumber Standards Committee shall be an autonomous body.

9.4 Function of the Board. It shall be the function of the Board of Review to examine upon application and to certify as conforming to the requirements of American Lumber Standards and to the detailed requirements established by the American Lumber Standards Committee:

(1) Any grading rules published by a competent and reliable agency having adequate facilities for mill inspection and for reinspection (provided that no such rules for any species in any region shall be certified if certified published rules and services applicable thereto are adequate and already fully and fairly available to all manufacturers, distributors, and consumers of such lumber, on equal terms and conditions without discrimination), when such rules do actually conform to the basic requirements of the American Lumber Standards and subject to the following conditions:

a. That, upon approval by the Board of Review, the published rules carry specific references to such approval.

b. That approval of the rules by the Board of Review impose the condition that the originating agency permit the publication of the rules, in whole or in part, including all applicable provisions, without charge, with all quoted parts clearly so indicated, by anyone desiring to do so; provided that any such publication carry reference to the source of the rules and their effective date, and be revised to conform with any subsequent changes in the rules, giving the effective dates thereof.

c. That subsequent revisions may be made by the promulgating agency to grading rules that have been approved by the Board of Review. These revisions, when filed with the Board of Review, shall be regarded as conforming to the American Lumber Standards unless and until they have been disapproved by the Board of Review.

(2) The competency and reliability of the adequacy of the facilities provided by agencies publishing grading rules for the purpose of lumber certification, inspection, reinspection, and the supervision of grade marking, and the competency and reliability of and the adequacy of the facilities provided by agencies participating in the program that do not publish grading rules.

(3) The procedure followed in authorizing mills to grade mark under adequate supervision.

(4) The continuing conformance of grading rules to American Lumber Standards, as well as the competency and performance of lumber inspection and grade marking agencies.

9.5 Power of Board. If at any time the practices of any approved and certified agency are found not in conformity with the standards adopted by the American Lumber Standards Committee, and if, after due notice in writing to that effect, those practices shall not have been brought into conformity with such standards by the agency concerned, the Board of Review is empowered to revoke all previous approval and certification granted that agency.

9.6 Actions of Board. In all actions in relation to the approval of grading rules, inspection facilities, and grade marking

practices, the American Lumber Standards Committee and the Board of Review shall proceed in a fair and nondiscriminatory manner, giving full and due consideration to the past experience and performance of agencies seeking approval, and shall apply uniform standards of judgment in making all determinations. In the matter of inspection agencies, definite requirements as to the integrity and competency of the agency and the adequacy of its facilities may be established, but all such requirements shall be uniformly applied with respect to all agencies seeking approval of the Board of Review. No inspection agency that is controlled by any person or firm whose own products are subject to its inspection and certification shall be approved. Inspection services furnished by buyers and users for inspection of their own purchases shall not be approved by the Board of Review.

9.7 Availability of Board. The facilities of the Board of Review shall be at all times, available on equal terms to all lumber inspection agencies without favor or discrimination and without any requirement for joining or otherwise subscribing to any trade association, or supporting any service or activity other than those of grading, standardization, grade marking, and inspection as carried on by the Board of Review.

9.8 Appeal of Board Actions. In relation to all actions of the Board of Review with respect to the approval or disapproval of grading rules or the certifications of inspection services, and the withdrawal or supervision of approvals or certification previously granted, the affected agencies shall have the right to require the Board of Review to hold a hearing, at which the dissatisfied parties may personally appear to present their views or defend their actions. If any agency should feel after such hearing that the Board has misinterpreted either the published American Lumber Standards or the requirements for the approval of grading rules or the certification of inspection services or is otherwise dissatisfied with the decisions of the Board of Review, it shall have a right of appeal to the American Lumber Standards Committee as a whole, and shall be privileged to appear and submit its case at any regularly called meeting of the Committee.

9.9 Reports of Action. The Board of Review shall, within 30 days following an official action, submit to the Secretary of Commerce a confidential report on such action. Such report shall include adequate description of the issue and exact action taken.

10. COMMERCIAL NAMES OF THE PRINCIPAL SOFTWOOD SPECIES [5]

The following commercial names for lumber cut from the principal species of softwoods should be used in grading rule description and in specifications:

Commercial names for lumber [1]	Official common tree names [2]	Botanical names
Cedar:		
Alaska Cedar	Alaska-cedar	Chamaecyparis nootkatensis.
Incense Cedar	Incense-cedar	Libocedrus decurrens.
Port Orford Cedar	Port-Orford-cedar	Chamaecyparis lawsoniana.
Eastern Red Cedar	eastern redcedar	Juniperus virginiana.
	southern redcedar	J. silicicola.
Western Red Cedar	Western redcedar	Thuja plicata.
Northern White Cedar	northern white-cedar	Thuja occidentalis.
Southern White Cedar	Atlantic white-cedar	Chamaecyparis thyoides.
Cypress [3]	baldcypress	Taxodium distichum.
	pondcypress	T. distichum var. nutans.
Fir:		
Balsam Fir [4]	balsam fir	Abies balsamea.
	Fraser fir	A. fraseri.
Douglas Fir [5]	Douglas-fir	Pseudotsuga menziesii.
Noble	noble fir	Abies procera.
White Fir	subalpine fir	Abies lasiocarpa.
	California red fir	A. magnifica.
	grand fir	A. grandis.
	noble fir	A. procera.
	Pacific silver fir	A. amabilis.
	white fir	A. concolor.
Hemlock:		
Eastern Hemlock	Carolina hemlock	Tsuga caroliniana.
	eastern hemlock	T. canadensis.
Mountain Hemlock	mountain hemlock	Tsuga mertensiana.
West Coast Hemlock	Western hemlock	Tsuga heterophylla.
Juniper:		
Western Juniper	Alligator juniper	Juniperus deppeana.
	Rocky Mountain juniper	J. scopulerum.
	Utah juniper	J. osteosperma.
	Western juniper	J. occidentalis.
Larch:		
Western Larch	western larch	larix occidentalis.
Pine:		
Jack Pine	jack pine	Pinus banksiana.
Lodgepole Pine	lodgepole pine	P. contorta.
Norway Pine	red pine	P. resinosa.
Ponderosa Pine	ponderosa pine	P. ponderosa.
Sugar Pine	sugar pine	P. lambertiana.
Idaho White Pine	western white pine	P. monticola.
Northern White Pine	eastern white pine	Pinus strobus.
Longleaf Yellow Pine [6]	longleaf pine	Pinus palustris.
	slash pine	P. elliottii.
Southern Yellow Pine	loblolly pine	Pinus taeda.
	longleaf pine	P. palustris.
	pitch pine	P. rigida.
	shortleaf pine	P. echinata.
	slash pine	P. elliottii.
	Virginia pine	P. virginiana.
Redwood	redwood	Sequoia sempervirens.
Spruce:		
Eastern Spruce	black spruce	Picea mariana.
	red spruce	P. rubens.
	white spruce	P. glauca.
Engelmann Spruce	blue spruce	Picea pungens.
	Englemann spruce	P. engelmannii.
Sitka Spruce	Sitka spruce	Picea sitchensis.
Tamarack	Tamarack	Larix laricina.
Yew:		
Pacific Yew	Pacific yew	Taxus brevifolia.

[1] The commercial names for lumber represent recommended commercial practice.

[2] The official common tree names conform to the Check List of Native and Naturalized Trees of the United States (including Alaska), Agriculture Handbook No. 41 (1953), and are sometimes used as names for lumber. In addition to the official common name for a species, the Check List also lists other names by which the species and the lumber produced from it are sometimes designated.

[3] Cypress includes types designated as Red Cypress, White Cypress, and Yellow Cypress. Red Cypress is frequently classified and sold separately from the other types.

[4] Balsam Fir lumber is sometimes designated either as Eastern Fir or as Balsam.

[5] Douglas Fir may be specified either as Coast Region Douglas Fir or as Inland Region Douglas Fir, but if the particular type is not so specified or is not otherwise indicated through the grade specifications, either or both types will be allowed.

[6] The commercial requirements for Longleaf Yellow Pine lumber are that not only must it be produced from trees of the botanical species of Pinus elliottii and Pinus palustris, but each piece in addition must average either on one end or the other not less than six annual rings per inch and not less than one-third summerwood. Longleaf Yellow Pine lumber is sometimes designated as Pitch Pine in the export trade.

11. DEFINITIONS OF TERMS USED IN DESCRIBING STANDARD GRADES OF LUMBER

The commonly recognized characteristics and conditions occurring in softwood lumber are:

Bark pockets.
Checks.
Cross breaks.
Cross grain.
Decay.
Gum spots, streaks, etc.
Holes.
Knots.
Mismanufacture.
Pitch.
Pitch pockets.
Pitch seams.
Pitch streaks.
Pith.
Pith flecks.
Shake.
Splits.
Stain.
Wane.
Warp.

Air dried. Seasoned by exposure to the atmosphere, in the open or under cover, without artificial heat.

All-heart. Of heartwood throughout; that is, free of sapwood.

Annual ring. Growth put on in a single year.

Bark pocket. Patch of bark partially or wholly enclosed in the wood. Classified as are pitch pockets.

Blemish. Anything marring the appearance of lumber.

Bow. See WARP.

Boxed pith. Where the pith is enclosed within the four sides of the piece.

Bright. Unstained.

Characteristics. Distinguishing features which by their extent and number determine the quality of a piece of lumber.

Check. Lengthwise grain separation, usually occurring through the growth rings as a result of seasoning.

[5] The information contained herein was obtained from ASTM Standard D-1165-52, "Standard Nomenclature of Domestic Hardwoods and Softwoods."

Surface check. Occurs on a surface of a piece.

Small surface check. Not over 1/32 inch wide and not over 4 inches long.

Medium surface check. Not over 1/32 inch wide and over 4 inches long, but not over 10 inches long.

Large surface check. Over 1/32 inch wide or over 10 inches long.

End check. Occurs on an end of a piece.

Through check. Extends from one surface through the piece to the opposite surface or to an adjoining surface.

Chipped grain. Area where the surface is chipped or broken out in very short particles below the line of cut. Not classed as torn grain and, as usually found, is not considered unless in excess of 25 percent of the surface involved.

Clear. Free or practically free of all blemishes, characteristics, or defects.

Compression wood. Abnormal wood that forms on the under side of leaning and crooked coniferous trees. It is characterized, aside from its distinguishing color, by being hard and brittle and by its relatively lifeless appearance.

Corner. The intersection of two adjacent faces.

Crook. See WARP.

Cross break. Separation of the wood across the width.

Crosscutting. Cutting with a saw across the width.

Cup. See WARP.

Cutting. Resulting pieces after crosscuting and/or ripping.

Decay. Disintegration of wood substance due to action of wood-destroying fungi. Also known as dote and rot.

Advanced (or typical) decay. Older stage of decay in which disintegration is readily recognized because the wood has become punky, soft, spongy, stringy, shaky, pitted, or crumbly. Decided discoloration or bleaching of the rotted wood is often apparent.

Incipient decay. Early stage of decay in which disintegration has not proceeded far enough to soften or otherwise change the hardness of the wood perceptibly. Usually accompanied by a slight discoloration or bleaching of the wood.

Pocket rot. Typical decay which appears in the form of a hole, pocket, or area of soft rot, usually surrounded by apparently sound wood.

Water soak or stain. Water-soaked area in heartwood, usually interpreted as the incipient stage of certain wood rots.

Degrades. Pieces which on reinspection prove of lower quality than the grade in which they were shipped.

Diagonal grain. A deviation of the grain from a line parallel to the edges, which results from sawing a piece of lumber at an angle other than parallel with the bark.

Double end trimmed. Trimmed reasonable square by a saw on both ends.

Dry. Seasoned; not green (see 3.4.1).

Edge. The narrow faces of rectangular-shaped lumber.

Edge grain (vertical grain). Annual rings (so-called grain) which form an angle of 45° or more with the surface of the piece.

Firm red heart. A stage of incipient decay characterized by a reddish color in the heartwood, which does not unfit the wood for the majority of yard purposes. (Not to be confused with natural red heartwood in some species.)

Flat grain (slash grain). Annual rings (so-called grain) which form an angle of less than 45° with the surface of the piece.

F.O.H.C. (free of heart centers). Where the pith is not enclosed within the four sides of the piece.

Green. Not fully seasoned (see 3.4.2).

Growth ring. The growth put on in a single year.

Gum pocket. An opening between growth rings which usually contains or has contained resin or bark, or both.

Gum seam. Check or shake filled with gum.

Gum spot. Accumulation of gumlike substance occurring as a small patch. May occur in conjunction with a birdpeck or other injury to the growing wood.

Gum streak. Well-defined accumulation of gum in a more or less regular streak. Classified as are pitch streaks.

Heart face. Face side free of sapwood.

Heart shake. See SHAKE — PITH SHAKE.

Heartwood. Inner core of the tree trunk comprising the annual rings containing nonliving elements; usually darker in color than sapwood.

Hit-and-miss. Series of surfaced areas with skips not over 1/16 inch deep between them.

Hit-or-miss. To skip or surface a piece for a part or the whole of its length, provided it is nowhere more than 1/16 inch scant.

Holes. Holes may extend partially or entirely through a piece and be from any cause. To determine the size of a hole, average the maximum and minimum diameters, unless otherwise specified.

Pin hole. Not over 1/16 inch in diameter.

Medium hole. Over 1/16 inch, but not over 1/4 inch in diameter.

Large hole. Over 1/4 inch in diameter.

Honeycomb (decay). Honeycomb is indicated by large pits in the wood.

Kiln-dried. Seasoned in a chamber by means of artificial heat.

Knot. Branch or limb embedded in the tree and cut through in the process of lumber manufacture; classified according to size, quality, and occurrence. To determine the size of a knot, average the maximum length and maximum width, unless otherwise specified.

Knot size.

Pin knot. Not over 1/2 inch in diameter.

Small knot. Over 1/2 inch, but not over 3/4 inch in diameter.

Medium knot. Over 3/4 inch, but not over 1 1/2 inch in diameter.

Large knot. Over 1 1/2 inch in diameter.

Knot quality.

Decayed knot. Softer than the surrounding wood, and containing advanced decay.

Encased knot. Its rings of annual growth are not intergrown with those of the surrounding wood.

Hollow knot. Apparently sound except that it contains a hole over 1/4 inch in diameter.

Intergrown knot. A knot partially or completely intergrown on one or two faces with the growth rings of the surrounding wood.

Loose knot. Not held tightly in place by growth or position, and cannot be relied upon to remain in place.

Fixed knot. Will hold its place in a dry piece under ordinary conditions; can be moved under pressure, though not easily pushed out.

Pith knot. Sound knot except that it contains a pith hole not over 1/4 inch in diameter.

Sound knot. Solid across its face, as hard as the surrounding wood, shows no indications of decay, and may vary in color from the natural color of the wood to reddish brown or black.

Star-checked knot. Having radial checks.

Tight knot. So fixed by growth or position as to retain its place.

Firm knot. Solid across its face, but containing incipient decay.

Water-tight knot. Its rings of annual growth are completely intergrown with those of the surrounding wood on one surface of the piece, and it is sound on that surface.

knot occurrence

Branch knots. Two or more divergent knots sawed lengthwise and tapering toward the pith at a common point.

Corner knot. Located at the intersection of adjacent faces.

Knot cluster. Two or more knots grouped together, the fibers of the wood being deflected around the entire unit. A group of single knots is not a knot cluster.

Single knot. Occurs by itself, the fibers of the wood being deflected around it.

Spike knot. A knot sawed in a lengthwise direction.

loosened grain. Small portion of the wood loosened but not displaced.

machine burn. Darkening or charring due to overheating by machine knives.

machine gouge. Groove due to the machine cutting below the desired line of cut.

mismanufacture. Includes all defects or blemishes produced in manufacturing.

See CHIPPED GRAIN, HIT-AND-MISS, HIT-OR-MISS, LOOSENED GRAIN, MACHINE BURN, MACHINE GOUGE, MISMATCHED LUMBER, RAISED GRAIN, SKIP, TORN GRAIN, AND VARIATION IN SAWING.

mismatched lumber. Worked lumber that does not fit tightly at all points of contact between adjoining pieces, or in which the surfaces of adjoining pieces are not in the same plane.

Slight mismatch. Mismatch variation not over 1/64 inch.

Medium mismatch. Mismatch variation over 1/64 inch, but not over 1/32 inch.

Heavy mismatch. Mismatch variation over 1/32 inch.

Mixed grain. Any combination of edge grain and flat grain.

Moisture content. Weight of the water in wood expressed in percentage of the weight of oven dry wood.

Peck. Channeled or pitted areas or pockets as sometimes found in cedar and cypress.

Pecky. Characterized by PECK.

Pitch. Accumulation of resin in the wood cells in a more or less irregular patch.

Light pitch. Lightly evident presence of pitch.

Medium pitch. Trace of pitch slightly more evident than light pitch.

Heavy pitch. Very evident presence of pitch showing by its color and consistency.

Massed pitch. Clearly defined accumulation of solid pitch in a body by itself.

Pitch pocket. An opening between growth rings which usually contains or has contained resin or bark, or both.

Very small pitch pocket. Not over 1/8 inch in width and not over 2 inches in length.

Small pitch pocket. Not over 1/8 inch in width and not over 4 inches in length, or not over 1/4 inch in width and not over 2 inches in length.

Medium pitch pocket. Not over 1/8 inch in width and not over 8 inches in length; or not over 3/8 inch in width and not over 4 inches in length.

Large pitch pocket. Width or length exceeds the maximum permissible for medium pitch pocket.

Closed pitch pocket. Does not show an opening on both sides of the piece.

Open (through) pitch pocket. Is cut across on both sides of the piece.

Pitch seam. Shake or check filled with pitch.

Pitch streak. Well-defined accumulation of pitch in a more or less regular streak.

Small pitch streak. Not over one-twelfth of the width by one-sixth of the length of the surface on which it occurs.

Medium pitch streak. Larger than a small pitch streak but not over one-sixth of the width or one-third of the length of the surface on which it occurs.

Large pitch streak. Over one-sixth of the width or one-third of the length of the surface on which it occurs.

Pith. Small soft core in the structural center of a log.

Boxed pith. Where the pith is within the four faces of an end of a piece.

Pith fleck. Narrow streak resembling pith on the surface of a piece, usually brownish, up to several inches in length, resulting from burrowing of larvae in the growing tissue of the tree.

Raised grain. Roughened condition of the surface of dressed lumber in which the hard summerwood is raised above the softer springwood, but not torn loose from it.

Sapwood. Outer layers of growth in a tree, exclusive of bark, which contain living elements; usually lighter in color than heartwood.

Saw butted. Trimmed by a saw on both ends.

Seasoning. Evaporation or extraction of moisture from green or partially dried wood.

Shake. A lengthwise grain separation between or through the growth rings, and may be further classified as ring shake or pith shake.

Fine shake. A barely perceptible opening.

Slight shake. More than a perceptible opening but not over 1/32 inch wide.

Medium shake. Over 1/32 inch but not over 1/8 inch wide.

Open shake. Over 1/8 inch wide.

Cup shake. Does not completely encircle the pith.

Round shake. Completely encircles the pith.

Ring shake. Partially or completely encircles the pith.

Shell shake. Where both ends of a shake which has been cut across occur on one face or edge of a piece.

Through shake. Extends from one surface through the piece to the opposite surface or to an adjoining surface.

Pith shake (heart check). Extends across the rings of annual growth in one or more directions from the pith toward but not to the surface of a piece. Distinguished from season check by having its greatest width nearest the pith, whereas the greatest width of a season check is ordinarily at the surface of a piece, and when a piece has boxed pith the greatest width of a season check is farthest from the pith.

Side cut. Where the pith is not enclosed within the four sides of the piece.

Skip. Area on a piece that failed to surface, classified as follows:

Slight skip. Area not over six times the width of the piece that the planer knife failed to surface smoothly.

Shallow (small) skip. Area not over six times the width of the piece that the planer knife failed to touch by not over 1/32 inch.

Deep (heavy) skip. Area not over 12 times the width of the piece that the planer knife failed to touch by not over 1/16 inch.

Slope of grain. Cross grain or deviation of the fiber from a line parallel to the sides of the piece, and may consist of diagonal grain, spiral grain, or both.

Straight grain. Slope of grain limited to 1 inch in each 20 inches of length.

Slight cross grain. Slope of grain not more than 1 inch in a length of 15 inches.

Medium cross grain. Slope of grain more than 1 inch in a length of 15 inches, but not more than 1 inch in a length of 8 inches.

Steep cross grain. Slope of grain more than 1 inch in a length of 8 inches.

Smoke-dried. Seasoned by exposure to the heat and smoke of fire maintained beneath or within the stacks of lumber.

Softwood. One of the group of trees which have needle-like or scale-like leaves. The term has no specific reference to the softness of the wood.

Sound. Free of decay.

Spiral grain. Fibers that extend spirally about instead of vertically along the bole of a tree.

Split. Lengthwise separation of the wood extending from one surface through the piece to the opposite surface or to an adjoining surface.

Short split. Length does not exceed either the width of a piece or one-sixth of its length.

Medium split. Length exceeds the width of a piece, but does not exceed one-sixth of its length.

Long split. Length exceeds one-sixth of the length of a piece.

Springwood. More or less open and porous tissue marking the inner part of each annual ring, formed early in the period of growth.

Stain. Discoloration on or in lumber other than its natural color.

Light stain. Slight difference in color which will not materially impair the appearance of the piece if given a natural finish.

Medium stain. Pronounced difference in color which, although it does not obscure the grain of the wood, is customarily objectionable in a natural but not in a painted finish.

Heavy stain. Difference in color so pronounced as practically to obscure the grain of the wood.

Summerwood. Denser fibrous outer portion of each annual ring, usually without conspicuous pores, formed late in the growing period, not necessarily in summer.

Torn grain. Part of the wood torn out in dressing; classified as follows:

Slight torn grain. Not over 1/32 inch deep.

Medium torn grain. Over 1/32, but not over 1/16 inch deep.

Heavy torn grain. Over 1/16, but not over 1/8 inch deep.

Deep torn grain. Over 1/8 inch deep.

Unsound. Decayed.

Variation in sawing. A deviation from the line of cut. Slight variation is not over 1/16-inch scant in 1-inch lumber, 1/8 inch in 2 inch, 3/16 inch in 3 inch to 7 inch, and 1/4 inch in 3 inch and up.

Wane. This is bark or lack of wood from any cause on the edge or corner of a piece.

Slight wane. Not over 1/4 inch wide on the surface on which it appears for one-sixth of the length and one-fourth of the thickness of the piece.

Medium wane. Over 1/4 inch, but not over 1/2 inch wide on the surface on which it appears, for one-sixth of the length and one-fourth of the thickness of the piece.

Large wane. Over ½ inch wide on the surface on which it appears, or over one-sixth of the length and one-fourth of the thickness of the piece, or both.

Warp. Any variation from a true or plane surface, includes bow, crook, cup, or piece, or any combination thereof.

Bow. Deviation flatwise from a straight line from end to end of a piece, measured at the point of greatest distance from the straight line.

Crook. Deviation edgewise from a straight line from end to end of a piece, measured at the point of greatest distance from the straight line; and classified as slight, small, medium, and large. Based on a piece 4 inches wide and 16 feet long, the distance for each degree of crook shall be: *Slight crook,* 1 inch; *small crook,* 1½ inch; *medium crook* 3 inch; and *large crook,* over 3 inches. For wider pieces it shall be ½-inch less for each additional 2-inch of width. Shorter or longer pieces may have the same curvature.

Cup. Deviation flatwise from a straight line across the width of a piece, measured at the point of greatest distance from the line; and classified as *slight, medium,* and *deep.* Based on a piece 12 inches wide, the distance for each degree of cup shall be: *Slight cup,* ¼ inch; *medium cup,* ⅜ inch; and *deep cup,* ½ inch. Narrower or wider pieces may have the same curvature.

12. LUMBER INDUSTRY ABBREVIATIONS

These abbreviations are commonly used for softwood lumber, although all of them are not necessarily applicable to all species. Additional abbreviations which are applicable to a particular region or species may be included in approved grading rules.

Abbreviations are commonly used in the forms indicated, but variations such as the use of upper—and lower—case type, and the use or omission of periods and other forms of punctuation are optional.

AD	Air dried.
ADF	After deducting freight.
ALS	American Lumber Standards.
AV or AVG	Average.
Bd	Board.
Bd. ft	Board foot or feet.
Bdl	Bundle.
Bev	Beveled.
B/L	Bill of lading.
BM	Board Measure.
Btr	Better.
B&B or B& Btr	B and better.
B&S	Beams and stringers.
CB1S	Center bead one side.
CB2S	Center bead two sides.
CF	Cost and freight.
CG2E	Center groove two edges.
CIF	Cost, insurance, and freight.
CIFE	Cost, insurance, freight, and exchange.
Clg	Ceiling.
Clr	Clear.
CM	Center matched.
Com	Common.
CS	Caulking seam.
Csg	Casing.
Cu. Ft	Cubit foot or feet.
CV1S	Center Vee one side.
CV2S	Center Vee two sides.
D&H	Dressed and headed.
D&M	Dressed and matched.
DB. Clg	Double-beaded ceiling (E&CB1S).
DB. Part	Double-beaded partition (E&CB2S).
DET	Double end trimmed.
Dim	Dimension.
Dkg	Decking.
D/S or D/Sdg	Drop siding.
EB1S	Edge bead one side.
EB2S	Edge bead two sides.
E&CB1S	Edge and center bead one side.
E&CB2S	Edge and center bead two sides.
E&CV1S	Edge and center Vee one side.
E&CV2S	Edge and center Vee two sides.
EE	Eased edges.
EG	Edge (vertical) grain.
EM	End matched.
EV1S	Edge Vee one side.
EV2S	Edge Vee two sides.
Fac	Factory.
FAS	Free alongside (named vessel).
FBM	Foot or feet board measure.
FG	Flat (slash) grain.
Flg	Flooring.
FOB	Free on board (named point).
FOHC	Free of heart center or centers.
FOK	Free of knots.
Frt	Freight.
Ft	Foot or feet.
GM	Grade marked.
G/R or G/Rfg	Grooved roofing.
HB	Hollow back.
H&M	Hit-and-miss.
H or M	Hit-or-miss.
Hrt	Heart.
Hrt CC	Heart cubical content.
Hrt FA	Heart facial area.
Hrt G	Heart girth.
IN	Inch or inches.
J&P	Joists and planks.
KD	Kiln-dried.
Lbr	Lumber.
LCL	Less than carload.
LFT or Lin. Ft	Linear foot or feet.
Lgr	Longer.
Lgth	Length.
Lin	Linear.
Lng	Lining.
M	Thousand.
MBM	Thousand (feet) board measure.
MC	Moisture content.
Merch	Merchantable.
Mldg	Moulding.
No	Number.
N1E	Nosed one edge.
N2E	Nosed two edges.
Og	Ogee.
Ord	Order.
Par	Paragraph.
Part	Partition.
Pat	Pattern.
Pc	Piece.
Pcs	Pieces.
PE	Plain end.
PO	Purchase order.
P&T	Post and timbers.
Reg	Regular.
Res	Resawed or resawn.
Rfg	Roofing.
Rgh	Rough.
R/L	Random lengths.
R/W	Random widths.
R/W&L	Random widths and lengths.
Sdg	Siding.
Sel	Select.
S&E	Side and edge (surfaced on).
SE Sdg	Square edge siding.
SE & S	Square edge and sound.
S/L or S/LAP	Shiplap.
SL&C	Shipper's load and count.
SM. or Std. M	Standard matched.
Specs	Specifications.
Std	Standard.
Std	Standard.
Stpg	Stepping.
Str. or Struc	Structural.
S1E	Surfaced one edge.
S1S	Surfaced one side.
S1S1E	Surfaced one side and one edge.
S1S2E	Surfaced one side and two edges.
S2E	Surfaced two edges.
S2S	Surfaced two sides.
S2S1E	Surfaced two sides and one edge.
S2S&CM	Surfaced two sides and center matched.
S2S&SM	Surfaced two sides and standard matched.
S4S	Surfaced four sides.
S4S&CS	Surfaced four sides and caulking seam.
T&G	Tongued and grooved.
VG	Vertical grain.
Wdr.	Wider.
Wt	Weight.

Issued: December 22, 1967.

A. B. TROWBRIDGE,
Secretary of Commerce.

[F.R. Doc. 67-15031; Filed, Dec. 28, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF COLORADO

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

On October 10 (32 F.R. 14069), October 17 (32 F.R. 14337), October 24 (32 F.R. 14698), and October 31 (32 F.R. 15049), 1967, the U.S. Atomic Energy Commission published in the FEDERAL REGISTER for public comment a proposed agreement received from the Governor of the State of Colorado for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended. The proposed agreement as published included a proposed effective date of January 1, 1968.

Notice is hereby given that the proposed effective date is changed from January 1, 1968, to February 1, 1968.

Dated at Washington, D.C., this 5th day of December 1967.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 67-14359; Filed, Dec. 7, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI68-276 etc.]

CHAMPLIN PETROLEUM CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 20, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 1, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary*.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-276	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107, Attn: Frank L. Jones, Vice President.	50	10	El Paso Natural Gas Co. (South Fullerton Gasoline Plant, South Fullerton Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	$3,100	11-13-67	[2] 1-1-68	6-1-68	12.055349	[3][4] 13.055349	RI63-236.
RI68-277	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017, Attn: Mr. C. E. Smith.	150	2	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	44,030	11-13-67	[2] 1-1-68	6-1-68	14.5	[4][5] 15.5	
	Do	118	5	West Texas Gathering Co. (Emperor and South Kermit Fields, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	20,000	11-22-67	[2] 1-1-68	6-1-68	17.0	[3][4] 18.0	RI63-263.
RI68-278	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103, Attn: Mr. Charles E. Webber.	94	7	Northern Natural Gas Co. (Emperor Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	20,000	11-17-67	[2] 1-1-68	6-1-68	17.0	[4][5] 18.0	RI63-264.
	Do	144	3	Northern Natural Gas Co. (Como Field, Beaver County, Okla.) (Panhandle Area).	1,000	11-17-67	[2] 1-1-68	6-1-68	[6] 17.015	[4][5][6] 18.015	RI68-43.
RI68-279	Union Oil Co. of California (Operator) et al.	90	3	Colorado Interstate Gas Co. (Patrick Draw Area, Sweetwater County, Wyo.).	1,800	11-22-67	[2] 1-1-68	6-1-68	16.0	[4][5] 17.0	RI65-385.
		91	4		1,100	11-22-67	[2] 1-1-68	6-1-68	14.5	[4][5] 15.5	
RI68-280	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, Attn: Mr. John J. Carter.	345	3	Colorado Interstate Gas Co. (Wamsutter Field, Sweetwater County, Wyo.).	2,800	11-22-67	[2] 1-1-68	6-1-68	15.0	[4][5] 16.0	
	Do	360	3	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	90	11-22-67	[2] 1-1-68	6-1-68	16.0	[4][5] 17.0	RI65-386.
	Do	362	1	Colorado Interstate Gas Co. (Desert Spring Field, Sweetwater County, Wyo.).	210	11-22-67	[2] 1-1-68	6-1-68	14.5	[4][5] 15.5	
RI68-281	McCommons Oil Co. (Operator) et al., 1001 Mercantile Securities Bldg., Dallas, Tex.	2	2	Natural Gas Pipeline Co. of America (Boonsville Bend Conglomerate Field, Wise County, Tex.) (RR. District No. 9).	4,458	11-2-67	[3]12-27-67	5-27-68	[7] 14.819	[4][6][7] 16.382	
RI68-282	McCommons Oil Co., Agent (Operator) et al.	3	2	do	3,744	11-2-67	[3]12-27-67	5-27-68	[7] 14.819	[4][6][7] 16.382	
RI68-283	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	94	5	Arkansas Louisiana Gas Co. (Lacy Area, Blaine and Kingfisher Counties, Okla.) (Oklahoma "Other" Area).	1,469	11-20-67	[3]12-21-67	5-21-68	15.0	[4][6] 17.815	
RI68-284	Western Oil Fields, Inc. (Operator) et al., Suite 1220, Denver Club Bldg., Denver, Colo. 80202.	9	4	El Paso Natural Gas Co. (East Panhandle Field, Wheeler County, Tex.) (RR. District No. 10).	128	11-20-67	[2] 1-1-68	6-1-68	13.0	[4][5] 14.0	RI64-48.
RI68-285	Joe N. Champlin, Trustee, 700 First National Bank Bldg., Enid, Okla. 73701.	1	5	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey County, Okla.) (Oklahoma "Other" Area).	10,944	11-20-67	[3]12-21-67	5-21-68	[11] 17.9	[4][10][11] 19.5	RI66-428.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI66-286	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102, Attn.: Mr. P. T. Davis.	303	9	Trunkline Gas Co. (Clear Creek Field, Beauregard Parish, La.) (South Louisiana).	172	11-17-67	[2] 1-1-68	6-1-68	[3] [4] 19.50	[5] [12] [13] [14] 19.90	RI66-345.
	do	78	7	Transcontinental Gas Pipe Line Corp. (Live Oak Field, Vermillion Parish, La.) (South Louisiana).	66,174	11-23-67	[2] 12-24-67	5-24-68	[3] [14] 19.50	[5] [13] [15] 20.625	RI66-165.
RI66-287	Sinclair Oil & Gas Co. (Operator) et al.	304	14	Trunkline Gas Co. (Ragley Field, Beauregard Parish, La.) (South Louisiana).	1,200	11-17-67	[2] 1-1-68	6-1-68	[3] [14] 19.50	[5] [12] [13] [14] 19.90	RI66-346.

[2] The stated effective date is the effective date proposed by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Respondent filing from initial certificated rate to second periodic increased rate under the contract.
[7] Includes base rate of 14.5 cents plus upward B.t.u. adjustment before increase and 16 cents plus upward B.t.u. adjustment after increase for 1,022 B.t.u. gas shown in filing. Base rate subject to upward and downward B.t.u. adjustment.
[8] The stated effective date is the first day after expiration of the statutory notice.
[9] Filing from initial certificated rate of 15 cents to first periodic increased rate of 17.8 cents plus tax reimbursement of 0.015 cent (Initial contract rate is 16.8 cents).
[10] Filing to initial contract rate.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Two-step periodic rate increase.
[13] Pressure base is 15.025 p.s.i.a.
[14] Inclusive of 1.50 cents tax reimbursement.
[15] Favored-nation rate increase activated by Sinclair's FPC Gas Rate Schedule No. 185 which provides for sale of gas to Transco at a rate of 20.625 cents per Mcf.

Marathon Oil Co. (Marathon) requests that its proposed rate increase be permitted to become effective on December 14, 1967. Good cause has not been shown for waiving the 30-day statutory notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Marathon's rate filing and such request is denied.

Champlin Petroleum Co. (Champlin), Sun Oil Co. (Sun),[16] and Union Oil Co. of California's (Union Oil) [17] proposed rate increases exceed the area ceiling rate as determined in the rate schedule quality statements previously accepted pursuant to Opinion No. 468, as amended. Since the proposed increased rates exceed the applicable area rate, we conclude that they should be suspended for 5 months from January 1, 1968, the proposed effective date in each case. Except for the stay of the moratorium in Opinion No. 468, the aforementioned producers' rate increases would be rejectable because they are in excess of the applicable area ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review Champlin, Sun, and Union Oil's rate increases will be rejected ab initio.

With the exception of the rate increases filed by Champlin, Sun,[16] and Union Oil [17] which exceed the area rate established in the related quality statements filed pursuant to Opinion No. 468, as amended, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 67-15073; Filed, Dec. 28, 1967; 8:45 a.m.]

[16] Supplement No. 7 to Sun's FPC Gas Rate Schedule No. 94.
[17] Supplement No. 5 to Union Oil's FPC Gas Rate Schedule No. 118.

[Docket Nos. RI66-288 etc.]

SUN OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 20, 1967.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 1, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-288	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	[1] 175	3	El Paso Natural Gas Co. (East Panhandle Field, Wheeler County, Tex.) (R.R. District No. 10).	1,400	11-17-67	[2] 1-1-68	[2] 1-2-68	13.0	[4] [5] 14.0	
RI68-289	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	85	5	Panhandle Eastern Pipe Line Co. (Avard Area, Woods County, Okla.) (Oklahoma "Other" Area).	139	11-20-67	[3] 12-21-67	[3] 12-22-67	[5] 15.000	[5] [6] 15.384	
	do	88	4	Arkansas Louisiana Gas Co. (Wilburton Field, Haskell, Latimer, Le Flore, and Pittsburg Counties, Okla.) (Oklahoma "Other" Area).	126	11-20-67	[3] 12-21-67	[3] 12-22-67	15.0	[5] [7] 15.015	

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to 1 day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] The stated effective date is the first day after expiration of the statutory notice.
[6] Tax reimbursement increase.
[7] Includes base rate of 15 cents plus upward B.t.u. adjustment (1,064.9 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[8] Contract dated after Sept. 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1.

Marathon Oil Co. (Marathon) requests a retroactive effective date of July 1, 1967, the date the increased Oklahoma excise tax became effective, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in Section 4(d) of the Natural Gas Act to permit an earlier effective date for Marathon's rate filings and such request is denied.

The contract related to the rate filing of Sun Oil Co. (Sun) was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rate of 14.0 cents per Mcf exceeds the area increased rate ceiling of 11.0 cents per Mcf for Texas Railroad District No. 10 but does not exceed the initial service ceiling of 17.0 cents per Mcf established for the area involved. We believe, in this situation, Sun's proposed rate filing should be suspended for 1 day from January 1, 1968, the proposed effective date.

Marathon's proposed increased rates reflect tax reimbursement for the recently enacted increase in the Oklahoma excise tax from 0.02 cent to 0.04 cent per Mcf which became effective on July 1, 1967. The proposed rates exceed the applicable 11.0 cents per Mcf area increased rate ceiling for the Oklahoma "Other" Area as announced in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56). Since the proposed increases relate to tax reimbursement resulting from the increase in Oklahoma excise tax, it is appropriate to suspend them for 1 day from December 21, 1967, the expiration date of the statutory notice.

[F.R. Doc. 67-15074; Filed, Dec. 28, 1967; 8:45 a.m.]

[Docket No. E-6893]

ALABAMA POWER CO.

Notice Fixing Time and Place of Hearing

DECEMBER 21, 1967.

Take notice that a hearing in the above-designated matter fixed by order of November 23, 1966, is set for March 26, 1968, at 10 a.m. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-15071; Filed, Dec. 28, 1967; 8:46 a.m.]

[Docket No. CP67-168]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

DECEMBER 20, 1967.

Take notice that on December 13, 1967, Southern Natural Gas Co. (Petitioner), Post Office Box 250, Birmingham, Ala. 35302, filed in Docket No. CP67-168 a petition to amend the order issued in said docket on August 31, 1967, by requesting authorization to increase the volumetric limitation for the service to the town of Childersburg, Ala., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order issued August 31, 1967, Petitioner was authorized, inter alia, to sell and deliver to Childersburg a contract demand of 1,750 Mcf of natural gas. By letter dated December 7, 1967, Childersburg requested that Petitioner increase, effective January 1, 1968, its contract demand to 1,850 Mcf.

Accordingly, Petitioner requests that it be authorized to sell and deliver up to 1,850 Mcf of natural gas to Childersburg on contract demand, thus amending the aforementioned order of August 31, 1967.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before January 17, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-15072; Filed, Dec. 28, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19103]

ALITALIA-LINEE AEREE ITALIANE, S.p.A.

Notice of Prehearing Conference

Whether Alitalia's permit should be amended as set forth in order E-25823.

Notice is hereby given that a prehearing conference on the above-entitled docket is assigned to be held on January 9, 1968, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., December 22, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-15107; Filed, Dec. 28, 1967, 8:48 a.m.]

FEDERAL RESERVE SYSTEM

CENTRAL BANCORP.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Central Bancorp., Miami, Fla., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following banks: Central Bank and Trust Co., Miami, Fla., and Central Bank of North Dade, Miami, Fla.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly out-

weighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Public access to the application may be had at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 21st day of December 1967.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 67-15075; Filed, Dec. 28, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

CODITRON CORP.

Order Suspending Trading

DECEMBER 21, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $3 par value, of Coditron Corp., New York, N.Y., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 22, 1967, through December 31, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-15092; Filed, Dec. 28, 1967; 8:47 a.m.]

[31-690]

KANEB PIPE LINE CO.

Notice of Filing of Application Requesting Finding Not To Be Holding Company and Notice of and Order for Hearing Thereon

DECEMBER 21, 1967.

Notice is hereby given that Kaneb Pipe Line Co. ("Kaneb"), Western National Bank Building, Houston, Tex. 77002, has filed an application with this Commission pursuant to section 2(a)(7) of the Public Utility Holding Company Act of 1935 ("act") requesting that the Commission declare Kaneb not to be a holding company. All interested persons are referred to the application, which is summarized below, for a complete statement of Kaneb's request.

Kaneb, a Delaware corporation, owns and operates a 1,055-mile common carrier liquid petroleum products pipeline which operates in the States of Kansas, Nebraska, South Dakota, and North Dakota. Its business is the transportation of liquid petroleum products including gasoline, kerosene, fuel oils, propane, aircraft fuels, and other products.

Kaneb purchased 5,200 shares of Kansas-Nebraska Natural Gas Co., Inc. ("Kansas-Nebraska"), common stock in July 1967 in market transactions. Thereafter, pursuant to a tender offer to the common stockholders of Kansas-Nebraska, Kaneb purchased 225,000 additional shares (9½ percent) on August 29, 1967, and 234,209 shares on September 19, 1967. As of September 19, 1967, the date of filing of the application, Kaneb owned 459,309 shares (19.7 percent) of the outstanding common stock of Kansas-Nebraska. Kansas-Nebraska is a Kansas corporation and is engaged in the production, processing, purchasing, transportation, and sale of natural gas both at wholesale and retail in one or more of the States of Kansas, Nebraska, Oklahoma, Wyoming, and Colorado.

Kaneb asserts that despite the ownership of such stock of Kansas-Nebraska, Kaneb neither directly or indirectly controls Kansas-Nebraska nor directly or indirectly exercises such a controlling influence over the management or policies of Kansas-Nebraska as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that Kaneb be subject to the obligations, duties, and liabilities imposed under the act. Kaneb also states that it does not and has not done, either directly or indirectly, any substantial business with Kansas-Nebraska and that it does not perform any services for, or have any contractual relations with, Kansas-Nebraska. Kaneb has no representatives on the board of directors of Kansas-Nebraska.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to Kaneb's application under section 2(a)(7) and that interested persons be afforded an opportunity to be heard at such hearing with respect to such matter;

It is ordered, That a hearing in this proceeding be held on January 17, 1968 at 10 a.m., at the office of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, in such room as may be designated on such date by the hearing room clerk. Any person desiring to be heard in connection with this proceeding or proposing to intervene therein, other than Kaneb, shall file with the Secretary of the Commission on or before 2 days prior to the date herein fixed for a hearing, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether Kaneb, either alone or pursuant to an arrangement or understanding with one or more other persons, directly or indirectly controls Kansas-Nebraska.

(2) Whether Kaneb is an intermediary company through which such control is exercised.

(3) Whether Kaneb, either alone or pursuant to an arrangement or understanding with one or more other persons, exercises such a controlling influence over the management or policies of Kansas-Nebraska as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that Kaneb be subject to the obligations, duties, and liabilities imposed by the act upon holding companies.

(4) Whether Kaneb's application herein has been filed in good faith and whether Kaneb, in acquiring the common stock of Kansas-Nebraska or in any other manner, has violated the provisions of the act.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to Kaneb, Kansas-Nebraska, the State Corporation Commission of Kansas, the State Railway Commission of Nebraska, the Public Utilities Commission of Colorado, the Corporation Commission of Oklahoma, and the Public Service Commission of Wyoming; that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the persons appearing on the mailing list of the Commission for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-15093; Filed, Dec. 28, 1967; 8:47 a.m.]

LEEDS SHOES, INC.

Order Suspending Trading

DECEMBER 21, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 22, 1967 through December 31, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-15094; Filed, Dec. 28, 1967; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 646]

HAWAII

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1967, because of the effects of certain disasters, damage resulted to residences and business property located on the Islands of Kauai and Oahu, in the State of Hawaii;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid Islands, and areas adjacent thereto, suffered damage or destruction resulting from tornadoes and floods occurring on December 17 and 18, 1967.

OFFICE

Small Business Administration Regional Office, 1149 Bethel Street, Honolulu, Hawaii 96813.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1968.

Dated: December 21, 1967.

ROBERT C. MOOT, *Administrator.*

[F.R. Doc. 67-15105; Filed, Dec. 28, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 22, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41199—*Grain and grain products to California points.* Filed by Pacific Southcoast Freight Bureau, agent (No. 259), for interested rail carriers. Rates on grain and grain products, in carloads, from points in Montana, to points in California.

Grounds for relief—Unregulated truck competition.

Tariff—Supplement 45 to Pacific Southcoast Freight Bureau, agent, tariff ICC 1783.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-15108; Filed, Dec. 28, 1967; 8:48 a.m.]

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FEDERAL REGISTER

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PART II

DEPARTMENT OF COMMERCE

NATIONAL BUREAU OF STANDARDS

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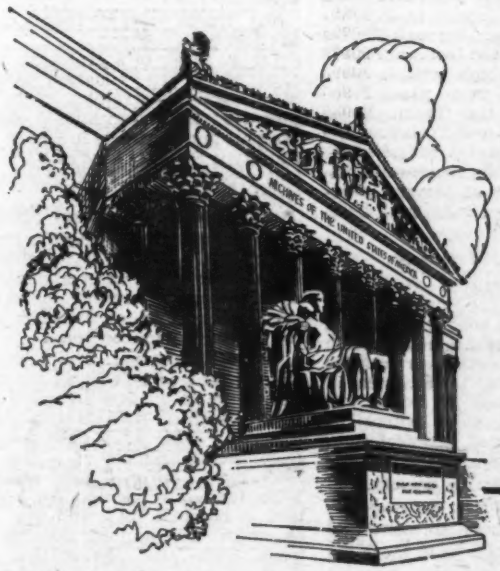
MEASUREMENT SERVICES; STANDARD REFERENCE MATERIALS



Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—MEASUREMENT SERVICES

PART 200—POLICIES, SERVICES, PROCEDURES, AND FEES

Revision of Subchapter

Pursuant to the authority contained in 15 U.S.C. 275a and 277, Subchapter A is revised as set forth below.

This revision, effective upon publication in the FEDERAL REGISTER, restates the policies and procedures relating to the National Bureau of Standards' measurement services, and incorporates by reference NBS Miscellaneous Publication 250 (MP 250), "Calibration and Test Services of the National Bureau of Standards." MP 250 states NBS policies, describes NBS measurement services in detail, prescribes the procedures for obtaining such services, and lists the fees charged.

Sec.

200.100 Statutory functions.
200.101 Measurement research.
200.102 Standards for measurement.
200.103 Types of calibration and test services.
200.104 Consulting and advisory services.
200.105 Standard reference materials.
200.106 Critically evaluated data.
200.107 Publications.
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200.109 Request procedure.
200.110 Shipping, insurance, and risk of loss.
200.111 Priorities and time of completion.
200.112 Witnessing of operations.
200.113 Reports.
200.114 Use of results or reports.
200.115 Fees and bills.
200.116 Description of services and list of fees, incorporation by reference.

AUTHORITY: The provisions of this Part 200 are issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.

§ 200.100 Statutory functions.

(a) The National Bureau of Standards has been assigned the following functions (15 U.S.C. 271–278e):

(1) The custody, maintenance, and development of the national standards of measurement, and the provision of means and methods for making measurements consistent with those standards, including the comparison of standards used in scientific investigations, engineering, manufacturing, commerce, and educational institutions with the standards adopted or recognized by the Government.

(2) The determination of physical constants and properties of materials when such data are of great importance to scientific or manufacturing interests and are not to be obtained with sufficient accuracy elsewhere.

(3) The development of methods for testing materials, mechanisms, and structures, and the testing of materials, supplies, and equipment, including items purchased for use of Government departments and independent establishments.

(4) Cooperation with other governmental agencies and with private organizations in the establishment of standard practices, incorporated in codes and specifications.

(5) Advisory service to Government agencies on scientific and technical problems.

(6) Invention and development of devices to serve special needs of the Government.

(b) The calibration and testing activities of the Bureau stem from the functions in paragraph (a) (1) and (3) of this section. These activities are assigned primarily to the NBS Institute for Basic Standards. Its program provides the central basis within the United States for a complete and consistent system of physical measurement; coordinates that system and the measurement system of other nations; and furnishes essential services leading to accurate and uniform physical measurements throughout the Nation's scientific community, industry, and commerce.

(c) The provision of standard reference materials for sale to the public is assigned to the Office of Standard Reference Materials of the NBS Institute for Materials Research. It evaluates the requirements of science and industry for carefully characterized reference materials, stimulates the Bureau's efforts to develop methods for production of needed reference materials and directs their production and distribution. For information on standard reference materials see Subchapter B, Chapter II, of this Title 15.

(d) The provision of technical services to facilitate technical innovation and industrial use of the results of modern science and technology is assigned to the NBS Institute for Applied Technology. The principal elements of the Institute are (1) a Center for Computer Sciences and Technology which conducts research and provides technical services designed to improve cost effectiveness in the conduct of agency programs through the use of computers and related techniques; (2) technical divisions which provide services in technology of more general applicability; and (3) the Clearinghouse for Federal Scientific and Technical Information which promotes widest effective use by the scientific community, industry, and commerce of current information in all fields of industrial technology.

§ 200.101 Measurement research.

(a) The NBS Institute for Basic Standards carries out the Bureau's functions in developing an adequate national system of physical measurement, and in providing related calibration services. Its staff continually reviews the advances in science and the trends in technology, examines the measurement potentialities of newly discovered physical phenomena, and uses these to devise and improve standards, measuring devices, and measurement techniques. As new requirements appear, there are continual shifts of program emphasis to meet the most urgent needs for the measurement of additional quantities, extended ranges, or improved accuracies.

(b) The basic research and development activities of NBS are primarily funded by direct appropriations, and are aimed at meeting broad general needs. The Bureau may also undertake investigations or developments to meet some specialized physical measurement problem of another Government agency, industrial group, or manufacturing firm, using funds supplied by the requesting organization.

§ 200.102 Standards for measurement.

(a) An international treaty, the Metric Convention, was signed by 18 countries in 1875. In 1893 the United States established prototype No. 27 of the international meter bar and prototype No. 20 of the international kilogram as U.S. Prototype Standards for length and mass. Representatives of many of the 40 nations now adhering to this treaty meet periodically, in the General Conference of Weights and Measures, to consider detailed proposals concerning international standards for physical measurement. Successive Conferences have now agreed to adopt six units to serve as a practical base for an International system of Units (Système International d'Unités, abbreviated SI)—kilogram, meter, second, kelvin, ampere, and candela. These are arbitrarily chosen but precisely defined magnitudes of six physical quantities—mass, length, time, temperature, electric current and luminous intensity, respectively—which are assigned unitary value in the International System. Because the system is coherent, the expressions for the other quantities of science and technology derived from these six through the equations of physics will also have unitary coefficients. The units of the English system—pound, inch, second, degree Fahrenheit, etc.— and of other systems of units are related to the SI units by agreed-upon conversion factors.

(b) The SI units for the six quantities are defined as follows:

(1) In terms of a prototype object:

(i) Mass: The "kilogram" is the mass of a platinum-irridium cylinder preserved at the International Bureau of Weights and Measures in Sèvres, France. Prototype No. 20 is kept at NBS; equivalent prototypes are kept by other countries.

(2) In terms of natural phenomena:

(i) Length: The "meter" is the length of exactly 1,650,763.73 wavelengths of radiation in vacuum corresponding to the unperturbed transition between the levels $2p_{10}$ and $5d_5$ of the atom of krypton 86, the orange-red line.

(ii) Time interval: The "second" was long defined as 1/86400 of the time required for an average complete rotation of the earth on its axis with respect to the sun. This, with daily corrections from zenith transits of a star, is the basis for a universal time scale (UT). With further correction for polar motion, it becomes UT1, and with further correction for annual seasonal variations, UT2. Also, the earth's average daily rotation rate has been decreasing,

thereby increasing the length of each year by about 6 ms over the length of the preceding year. Because of this, and other larger random fluctuations, the universal second thus defined is not a constant. Consequently, the 11th Conference (1960) ratified the definition of a second based on ephemeris time (ET): "the fraction 1/31,556,925.9747 of the tropical year for January 0, 1900 at 12 o'clock ephemeris time." The 12th Conference (1964) authorized the designation of a cesium atom transition as a standard of frequency to be used temporarily for the physical measurement of time. The 13th Conference (1967) abrogated the 1960 action and decided that: The unit of time of the International System of Units is the second, defined in the following terms: "The second is the duration of 9,192,631,770 periods of the radiation corresponding to the transition between the two hyperfine levels of the fundamental state of the atom of cesium 133."

(iii) Temperature: The "kelvin," the unit of thermodynamic temperature, is the fraction 1/273.16 of the thermodynamic temperature of the triple point of water. It was decided by the 13th Conference that the same name, kelvin, and the symbol K should be used for expressing temperature intervals, dropping the former convention which expressed a temperature interval in degrees Kelvin or as abbreviated, deg K. However, the old designations are acceptable temporarily as alternatives to the new ones. One may also express temperature intervals in degrees Celsius.

(iv) Electric Current: The "ampere" is that constant current which if maintained in two straight parallel conductors of infinite length, of negligible circular sections, and placed 1 meter apart in a vacuum, would produce between these conductors a force equal to 2×10^{-7} newton per meter of length.

(v) Luminous intensity: The "candela" is the luminous intensity, in the direction of the normal, of a blackbody surface 1/600,000 square meter in area, at the temperature of solidification of platinum under a pressure of 101,325 newtons per square meter.

(c) Although the six base units, and others derived from them, are exactly defined, their practical use requires a realization through the development of accurate measurement standards. Measurement standards may be based on physical phenomena, specimen objects, signal sources, or reference instruments. Extensive theoretical studies and laboratory experiments are involved in their selection, design, construction, and operation.

(d) It will be noted that a kilogram mass standard can be calibrated only through a series of comparisons, starting from the International Prototype. The units for the other five base quantities, and all quantities derived from them, are in principle independently realizable in many laboratories. In practice, however, inevitable minor differences among instruments, environments, and operators are bound to introduce small discrepancies. Periodic comparison of standards and the resolution of these discrepancies is required for compatibility among domestic standards laboratories, as well as internationally.

(e) Within the United States, NBS consults with the major industrial and governmental standards laboratories, and cooperates with the Department of Defense and the National Conference of Standards Laboratories in conducting measurement agreement comparisons. Periodic inter-comparisons of NBS standards with those of other countries are made through the International Bureau of Weights and Measures, through international scientific organizations, or by direct arrangement. The operations of the International Bureau are supervised by the General Conference of Weights and Measures, to which U.S. delegates are appointed by the Department of State.

(f) Frequency and time comparisons within the United States are made by the National Bureau of Standards, the U.S. Naval Observatory, and other organizations which have an interest in precise time and frequency standards. The data from worldwide astronomical observations and from standards laboratories in many countries are coordinated by the International Bureau of the Hour, which announces recommended approximations for the rate difference between atomic and universal time, as well as for epoch adjustments.

§ 200.103 Types of calibration and test services.

(a) NBS has developed instrumentation and techniques for realizing standards for the six base units of the International System of Units, as agreed upon by the General Conference of Weights and Measures. Reference standards have been established not only for these six base units, but also for many derived quantities and their multiples and submultiples. Such reference standards, or equivalent working standards, are used to calibrate laboratory and plant standards for other organizations. Accuracy is maintained by stability checks, by comparison with the standards of other national and international laboratories, and by the exploration of alternative techniques as a means of reducing possible systematic error.

(b) Calibrations for many types of instruments and ranges of physical quantities are described in the itemized service schedules of MP 250. On those services for which fees have been established, the fees are also listed in MP 250. In cases where fees have not been fixed, services will be billed on the basis of actual costs incurred. (See § 200.116 for details relating to the description of service items and listing of fees.) Changes in services and fees are announced in supplements to MP 250 and in the monthly NBS Technical News Bulletin.[1]

(c) Special measurements not listed in MP 250 may be made upon request. These might involve unusual physical quantities, upper or lower extremes of range, higher levels of accuracy, fast response speeds, short durations, broader ranges of associated parameters, or special environmental conditions. Such inquiries should describe clearly the measurement desired. Indication of the scientific or economic basis for the requirement to be satisfied will be helpful in determining future NBS programs. Fees for work accepted will be based upon actual costs incurred.

(d) The principal emphasis of the National Bureau of Standards is on those calibrations and other tests requiring such accuracy as can be obtained only by direct comparison with its standards. However, in order to maintain efficient utilization of specialized equipment and skilled personnel, NBS may when workload permits calibrate devices requiring lesser accuracy but suitable for working standards in plant or laboratory.

(e) Other services which may be obtainable include:

(1) Tests of measuring instruments to determine compliance with specifications or claims, when the evaluation is critical in national scientific or technical operations, and when suitable facilities are not available elsewhere.

(2) Referee tests in important cases when clients are unable to agree upon the method of measurement, the results of tests, or the interpretation of these results, but have agreed in advance in writing to accept and abide by the findings of NBS.

(f) NBS reserves the right to decline any request for services if the work would interfere with other activities deemed by the Director to be of greater importance. In general, measurement services are not provided when widely available from commercial laboratories, nor for organizations or individuals in foreign countries.

(g) Suggestions will be offered on measurement techniques and on other sources of assistance on calibration or measurement problems when the Bureau's own equipment and personnel are unable to undertake the work. The National Conference of Standards Laboratories issues a Directory of Standards Laboratories in the United States which perform calibration work (obtainable from NCSL Secretariat, c/o National Bureau of Standards, Washington, D.C. 20234). Those which perform testing are listed in the ASTM Directory of Testing Laboratories, Commercial and Institutional. (Directory available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa. 19103.) Similar listings appear in buyer's guides for commercial products and in technical journals concerned with physical measurement.

§ 200.104 Consulting and advisory services.

(a) In areas of its special competence, the National Bureau of Standards offers consulting and advisory services on various problems related to measurement, e.g. details of design and construction, operational aspects, unusual or extreme

[1] For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

conditions, methods of statistical control of the measurement process, automated acquisition of laboratory data, and data reduction and analysis by computer. Brief consultation may be obtained at no charge; the fee for extended effort will be based upon actual costs incurred.

(b) To enhance the competence of standards laboratory personnel, NBS conducts at irregular intervals several group seminars on the precision measurement of specific types of physical quantities, offering the opportunity of laboratory observation and informal discussion. A summer course in electromagnetic measurements and standards is conducted periodically by the NBS Radio Standards Laboratory at Boulder, Colorado.

§ 200.105 Standard reference materials.

Often the performance of a device or structure can be evaluated at the user's laboratory by comparing its response to unknown materials with its response to a standardized specimen or a substance of certified composition, properties, or purity. Types of such specimens are listed in several of the detailed fee schedules in MP 250. For information regarding carefully characterized materials see Subchapter B of Chapter II of this Title 15. The Office of Standard Reference Materials in the NBS Institute for Materials Research administers a program to provide many types of well-characterized materials that are needed to calibrate a measurement system or to produce scientific data that can be readily referred to a common base.

§ 200.106 Critically evaluated data.

Data on the physical properties of the thousands of well-defined substances which are commercially available need to be compiled and evaluated to be useful for reference in engineering design. The Office of Standard Reference Data in the NBS Institute for Basic Standards provides two-way communication with a number of governmental and nongovernmental data centers throughout the country. Its present compilation and dissemination activities cover seven technical areas—nuclear data, atomic and molecular data, solid state data, thermodynamic and transport data, chemical kinetics, colloid and surface properties, and mechanical properties. Accounts of progress appear in the National Standard Reference Data System News (available upon request from the Office of Standard Reference Data) and in the monthly NBS Technical News Bulletin.[1]

§ 200.107 Publications.

(a) Changes in services and fees, as published in the supplements to MP 250, appear also in the monthly NBS Technical News Bulletin.[1] The Bulletin also describes recent results of Bureau staff work, lists currently issued publications, and carries sections giving up-to-date detailed information on standards and calibrations, standard reference materials, seminar announcements, conference summaries, and the National Standard Reference Data System. An index to publications by the Bureau authors will be found in Supplements to Miscellaneous Publication 240, Publications of the National Bureau of Standards.[2] This index covers the publication series of Monographs,[1] and Technical Notes,[1] and includes all papers appearing either in the NBS Journal of Research [1] or in outside technical journals.

(b) U.S. Government Research and Development Reports, a semimonthly announcement journal covering over 1,000 new documents per issue, is sold by the NBS Clearinghouse for Federal Scientific and Technical Information, Springfield, Va. 22151. Other CFSTI series available on subscription include the USGRDR Index, and a Fast Announcement Service which highlights in 57 categories those USGRDR items of particular technological and industrial significance. Any individual item announced is available as paper copy or microfiche.

§ 200.108 Broadcasts.

(a) The NBS Radio Standards Laboratory broadcasts various types of standard frequency and time signals as a service from three radio stations: WWV, WWVH, and WWVB. A fourth station, WWVL, is engaged in an experimental program to evaluate precise time synchronization techniques. NBS Miscellaneous Publication 236, "NBS Standard Frequency and Time Services," [1] contains information concerning the broadcasts of such signals from these four stations. WWVH is located at Maui, Hawaii. WWV, WWVL, and WWVB are located at Fort Collins, Colo. Notices of precisions, accuracies, and adjustments in NBS clocks and radio emissions are published in the FEDERAL REGISTER. Such notices are published also in the Time and Frequency Service Bulletin which is available on request from the NBS Radio Standards Laboratory, Boulder, Colo. 80302.

(b) Broadcasts from WWV are at nominal frequencies of 2.5, 5, 10, 15, 20, and 25 MHz and from WWVH at 2.5, 5, 10, and 15 MHz. Time pulses superimposed on these carrier frequencies are occasionally adjusted in phase, and also as to emission rate (by offsetting the carrier frequency from nominal) in accordance with the Universal Time Coordinated (UTC) system,[2] as recommended by the Bureau International de l'Heure (BIH). The carrier offset currently is minus 300 parts in 10^{10}, giving pulses which occur at intervals slightly longer than 1 second. With phase adjustment the result approximates UT2 within about 100 ms, and therefore is useful in furnishing information about the earth's position on its axis, as used to determine the observer's longitude. WWV and WWVH also provide standard musical pitch at 440 hertz, ionospheric propagation condition forecasts, and geophysical alerts. WWV broadcasts Greenwich Mean Time—seconds, minutes, hours, and days of the year—in the code format of the National Aeronautics and Space Administration. For more precise determination of UT2, both WWV and WWVH broadcast in International Morse Code appropriate corrections based on astronomical data from the U.S. Naval Observatory, Washington, D.C.

(c) At WWVL a carrier frequency of 20 kHz is provided, and time-shared with others near 20 kHz. These carrier frequencies are likewise offset from nominal, hence timing information derived from their phase is also in conformity with the UTC system. Station WWVB broadcasts on the standard radio frequency of 60 kHz without offset, emitting time marker pulses 1 second apart, as determined by the NBS cesium clock. The phase of these pulses is reset every few months by 200 ms adjustments as recommended by the Bureau International de l'Heure, in order to approximate UT2 within about 100 ms. This is the coordinated system known as Stepped Atomic Time (SAT).

(d) The U.S. Naval Observatory (USNO) also broadcasts standard UTC time and time interval (frequency), using both astronomical and atomic data. It coordinates a number of Navy and Coast Guard stations around the globe and also monitors the NBS broadcasts. Both USNO and NBS monitor broadcasts from selected laboratories in foreign countries, and issue periodic comparisons of reference signals.

§ 200.109 Request procedure.

(a) A formal purchase order for the calibration or test should be sent before or at the time the instrument or standard is shipped. This should provide clear identification of the apparatus being submitted, and give separate instructions for return shipment, mailing of report, and billing. If a customer wishes to minimize the time during which his equipment is out of service, he can usually arrange to delay shipment until the test is scheduled to start. (See § 200.111.) Requests from Federal agencies, or from State agencies, for calibrations or tests on material to be used on private or Federal contract work, should be accompanied either by purchase order or by letter or document authorizing the cost of the work to be billed to the agency.

(b) The submission of a purchase order for measurement services under this subchapter shall be understood as constituting an agreement on the part of the customer to be bound by the restrictions on the use of results as set forth in section 200.114 below. Acceptance of purchase orders does not imply acceptance of any provisions set forth in the order contrary to the policy, practice, or regulations of the National Bureau of Standards or the U.S. Government. (A statement to the effect that the National Bureau of Standards is an agency of the U.S. Government should satisfy other Government agencies with regard to compliance with Government regulations and Executive orders.)

[1] For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

[2] See G. E. Hudson, Some Characteristics of Commonly Used Time Scales, Proceedings, Institute of Electrical and Electronic Engineers, vol. 55, No. 6, June 1967, pp. 815–821.

(c) A test number will be assigned by the Bureau to each instrument or group of similar instruments or standards when the order is accepted. This test number should be referred to in all subsequent communications. Also, each instrument in a group must be uniquely identified, usually by the manufacturer's name and instrument serial number. When the serial number is lacking, an alternative identifying mark should be provided. If none is found, the Bureau will mark the piece with an NBS identification number. If the apparatus submitted has been previously calibrated by the Bureau, the serial number or identifying mark should be given on the new order, so that a continuing record of stability history can be established.

(d) Inquiries for measurement services related to electrical standards in the radio frequency region (above 30 kHz) or to frequency and time standards should be directed to:

Coordinator, Calibration Services, Radio Standards Laboratory, National Bureau of Standards, Boulder, Colo. 80302.

(e) Inquiries for measurement services other than those noted in paragraph (d) of this section, should be directed to the NBS address listed in the various sections of MP 250, or to:

Test Administration Unit, National Bureau of Standards, Washington, D.C. 20234.

§ 200.110 Shipping, insurance, and risk of loss.

(a) Shipment of apparatus to NBS for calibration or other test should be made only after the customer has accepted the estimate of cost and the tentative scheduling. Repairs and adjustments on apparatus submitted should be attended to by the owner, since NBS will not undertake them except by special arrangement. Apparatus not in good condition will not be calibrated. If defects are found after calibration has begun, the effort may be terminated, a report issued summarizing such information as has been found, and a fee charged in accordance with the amount of work done.

(b) The customer should pack apparatus sent to NBS so as to minimize the likelihood of damage in shipment and handling. Suggestions on packing and shipping are made in some sections of MP 250. In every case, the sender should consider the nature of the apparatus, pack it accordingly, and clearly label shipments containing fragile instruments or materials, such as glass and the like. The use of "security express" should be considered in shipping delicate instruments.

(c) To minimize damage during shipment resulting from inadequate packing, the use of strong reusable containers is recommended. As an aid in preventing loss of such containers, the customer's name should be legibly and permanently marked on the outside. In order to prolong the container's use, the notation "REUSABLE CONTAINER, DO NOT DESTROY" should be marked on the outside.

(d) Shipping and insurance coverage instructions should be clearly and legibly shown on the purchase order for the calibration or test. The customer must pay shipping charges to and from NBS; shipments from NBS will be made collect. The method of return transportation should be stated, and it is recommended that return shipments be insured, since NBS will not assume liability for their loss or damage. For long-distance shipping it is found that air express and air freight provide an advantage in reduction of time in transit. If return shipment by parcel post is requested or is a suitable mode of transportation, shipments will be prepaid by NBS, but without covering insurance. When no shipping or insurance instructions are furnished, return shipment will be made by common carrier collect, but uninsured.

(e) NBS will not be responsible for the risk of loss or damage to any item during shipment to or from the Bureau. Any arrangements for insurance covering this risk must be made by the customer. Return shipment will be made by the Bureau as indicated in paragraph (d) of this section. The purchase order should always show the value of the equipment, and if transit insurance is carried by the customer, this fact should be stated.

(f) The risk of loss or damage in handling or testing of any item by NBS must be assumed by the customer, except when it is determined by the Bureau that such loss or damage was occasioned solely by the negligence of Bureau personnel.

(g) When a test number has been assigned prior to shipment to NBS, this number should be clearly marked on the shipping container. When a test number has not been assigned, an invoice, copy of the purchase order, or letter should be enclosed in the shipment to insure proper identification. The original purchase order should be forwarded as appropriate to:

Test Administration Unit, National Bureau of Standards, Washington, D.C. 20234.

or to

Coordinator, Calibration Services, Radio Standards Laboratory, National Bureau of Standards, Boulder, Colo. 80302.

(h) The calibrations listed in MP 250 are performed at these locations: Boulder, Colo., Gaithersburg, Md., and Washington, D.C.

(1) Calibrations of electrical standards and materials in the radio frequency region (above 30 kHz) and all frequency and time calibrations are performed at Boulder, Colo., and shipments should be addressed to:

Coordinator, Calibration Services, Radio Standards Laboratory, National Bureau of Standards, Boulder, Colo. 80302.

If apparatus for radio frequency is also to be given incidental low-frequency calibration (below 30 kHz), this may be done at Boulder, but if a complete range of low-frequency calibrations are needed, the instrument should be sent to:

National Bureau of Standards, Route 70S and Quince Orchard Rd., Gaithersburg, Md. 20706.

(2) Calibrations listed in MP 250 other than those noted in paragraph (1) above, of this section, are performed in the Bureau's laboratories at either Gaithersburg, Md., or Washington, D.C.

For shipments which are heavy (in excess of 100 lbs.) or bulky (a combined girth in excess of 27 cu. ft.), request a shipping address from:

Test Administration Unit, National Bureau of Standards, Washington, D.C. 20234.

Items other than heavy or bulky shipments that are sent by common carrier, should be addressed to:

National Bureau of Standards, Route 70S and Quince Orchard Rd., Gaithersburg, Md. 20706.

§ 200.111 Priorities and time of completion.

Schedule work assignments for calibrations and other tests will generally be made in the order in which confirmed requests are received. However, Government work may be given priority. On the regular services, the workload is usually such that the turn-around interval, between the date a customer's apparatus is received and the date it is prepared for return shipment, will be not more than 45 days. Some types of instruments may require considerably longer, particularly if their abnormal behavior requires reruns to check reliability. Others can be calibrated and returned within 10 days. Special tests, such as the "z" items listed in MP 250 require individual scheduling. The customer who can spare his instrument for only a short time can usually arrange by letter or phone call for shipping it to the Bureau just as his assigned starting date approaches. A notice will be sent acknowledging receipt of the customer's standard and/or purchase order. If both a confirmed purchase order (or equivalent) and the apparatus have been received, estimates of a completion date and a calibration fee will be sent upon request.

§ 200.112 Witnessing of operations.

The Bureau welcomes scientists and engineers who may wish to visit its laboratories and discuss its methods. Ordinarily visitors will not be permitted to witness the actual carrying out of highly precise measurements because their presence introduces distraction that may lead to errors or delays. This policy may be waived in those cases where the visitor can be of service in setting up apparatus of a new or unusual nature, in the case of referee tests, or in other cases in which the legal validity of the result may require the presence of duly authorized witnesses.

§ 200.113 Reports.

(a) Results of calibrations and other tests are issued to the customer as formal reports entitled, "National Bureau of Standards Report of Calibration," "National Bureau of Standards Report of Test," or "National Bureau of Standards Report of Analysis," as appropriate. Copies are not supplied to other parties. Whenever formal certification is required

by law, or to meet special conditions adjudged by the National Bureau of Standards to warrant it, a letter will be provided certifying that the particular item was received and calibrated or tested, and identifying the report containing the results.

(b) NBS reports of calibration generally include in sentence form a statement of the uncertainty attached to the numerical values reported. Limits of uncertainty usually comprise (i) an estimate of systematic error, plus (ii) a value of imprecision.

(1) Often the systematic error estimate is based on experience or judgment. Sometimes it is an explicit combination of a number of elemental systematic errors. Sometimes the value can be checked by using two completely different physical phenomena, types of standard, or measurement techniques.

(2) Imprecision is preferably expressed as three times the standard deviation of a single determination, or three times the standard error of the arithmetic mean of n determinations, either being a canonical value for the measurement process based on considerable recent experience. When extended experience is lacking, the terms "computed standard deviation" or "computed standard error" should be used.

(3) A laboratory using NBS results to estimate the uncertainty attached to its own work may equate its own systematic error to the NBS quoted limit of uncertainty, as a minimum. The imprecision of its own work is best evaluated by calibration records extended over considerable periods of time, with repetition of its specified calibration procedure and assurance that its measurement process is in statistical control. For further information see:

(i) Youden, W. J., Uncertainties in Calibration. IRE Trans., vol. I–11, Nos. 3 and 4, p. 133 (December 1962).

(ii) Eisenhart, Churchill, Realistic Evaluation of the Precision and Accuracy of Instrument Calibration Systems. NBS J. Res., vol. 67C, No. 2, p. 161 (April–June 1962).

(iii) Natrella, M. G., Experimental Statistics. NBS Handbook 91, Aug. 1, 1963, ch. 23.

(iv) Wildhack, W. A., H. L. Mason, and R. C. Powell, Accuracy in Measurements and Calibrations, 1965. NBS Technical Note No. 262. (Shows the general status of NBS accuracy limits as of June 1965.)

(v) Wildhack, W. A., H. L. Mason, R. S. Powers, Jr., Accuracy Charts for RF Measurements. Proc. IEEE, vol. 55, No. 6, pp. 1056–1063 (June 1967).

(vi) Eisenhart, Churchill, and H. H. Ku, Expression of the Uncertainty of Final Results, and a Tabular Guide to Commonly Used Terms and Expressions. Submitted for publication, Instrumentation Technology, October 1967.

§ 200.114 Use of results or reports.

(a) As the national standards laboratory of the United States, NBS maintains and establishes the primary standards from which measurements in science and industry ultimately derive. It is therefore sometimes desirable for manufacturers or users of measurement standards to make appropriate reference to the relationship of their calibrations to NBS calibrations. The following considerations must be borne in mind, and shall be understood as constituting an agreement on the part of the NBS customer to be bound thereby in making reference to NBS calibration and test reports.

(b) The results of calibrations and tests performed by NBS are intended solely for the use of the organization requesting them, and apply only to a particular device or specimen at the time of its test. The results shall not be used to indicate or imply that they are applicable to other similar items. In addition, such results must not be used to indicate or imply that NBS approves, recommends, or endorses the manufacturer, the supplier, or the user of such devices or specimens, or that NBS in any way "guarantees" the later performance of items after calibration or test.

(c) NBS declares it to be in the national interest that the Bureau maintain an impartial position with respect to any commercial product. Advertising the findings on a single instrument could be misinterpreted as an indication of performance of other instruments of identical or similar type. There will be no objection, however, to a statement by a manufacturer that his primary standards have been periodically calibrated by NBS, if this is actually the case, or that his customer might arrange to have NBS calibrate the item purchased from him.

(d) NBS does not approve, recommend, or endorse any proprietary product or proprietary material. No reference shall be made to the Bureau, or to reports or results furnished by NBS in any advertising or sales promotion which would indicate or imply that NBS approves, recommends, or endorses any proprietary product or proprietary material, or which has as its purpose an intent to cause directly or indirectly the advertised product to be used or purchased because of NBS test reports or results.

In its own activities as a scientific institution, the NBS uses many different materials, equipments, and services. This does not imply that it has given them a preferential position or a formal endorsement. Therefore, NBS discourages references, either in advertising or in the scientific literature, which identify it as a user of any proprietary product, material, or service. Occasionally, effective communication of results by NBS to the scientific community requires that a proprietary instrument, product, or material be identified in an NBS publication. Such reference to a proprietary item does not constitute endorsement and should not be used in any way apart from the context of the NBS publication without the express written consent of the Bureau.

§ 200.115 Fees and bills.

(a) In accordance with 15 U.S.C. 271–278e, fees are charged for all measurement services performed by the National Bureau of Standards, unless waived by the Director when deemed to be in the interest of the Government. The abovementioned statutes authorize the Secretary of Commerce to make from time to time appropriate regulations regarding the payment of fees, the limits of tolerance on standards submitted for verification, and related matters. See § 200.116 for information as to fees.

(b) The minimum fee for any service request accepted by the Bureau is $10, unless otherwise indicated in MP 250. If apparatus is returned without testing, a minimum charge of $10 may be made to cover handling. Charges commensurate with the work performed will be assessed for calibrations which cannot be completed because of faulty operation of the customer's device. Fees for calibrations or tests include the cost of preparation of an NBS report. Remittances should be made payable to the National Bureau of Standards.

§ 200.116 Description of services and list of fees, incorporation by reference.

(a) NBS Miscellaneous Publication 250 "Calibration and Test Services of the National Bureau of Standards" is hereby incorporated by reference, pursuant to 5 U.S.C. 552(a)(1) and 1 CFR Part 20. MP 250 states the authority under which NBS performs various types of measurement services including calibrations and tests and charges fees therefor, states the general conditions under which the public may secure such services, describes these services in considerable detail, lists the fees to be charged, and sets out the instructions for requesting them.

(b) MP 250 is available at the following places:

(1) Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(2) Office of Technical Information and Publications, National Bureau of Standards, Washington, D.C. 20234.

(3) Field offices of the Office of Field Services, Department of Commerce.

(4) Federal Depository Libraries.

(c) Revisions, amendments, revocations, deletions, recodifications, redesignations, and corrections to MP 250 will be issued from time to time by the National Bureau of Standards, Washington, D.C. 20234, in the form of replacement pages or insert sheets. A postcard is provided in MP 250 for requesting copies of them. NBS will maintain an official historic file of MP 250 and of replacement pages and insert sheets.

(d) Further information concerning policies, procedures, services, and fees may be obtained by writing the Office of Technical Information and Publications, National Bureau of Standards, Washington, D.C. 20234.

A. V. ASTIN,
Director.

DECEMBER 19, 1967.

NOTE: Incorporation by reference provisions in § 200.116 approved by Director of the Federal Register on December 28, 1967.

[F.R. Doc. 67–15099; Filed, Dec. 28, 1967; 8:45 a.m.]

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Revision of Subchapter

Pursuant to the authority contained in 15 U.S.C. 275a and 277, Subchapter B is revised as set forth below.

This revision restates the procedure for ordering standard reference materials issued by the National Bureau of Standards, and incorporates by reference NBS Miscellaneous Publication 260 (MP 260), "Standard Reference Materials: Catalog and Price List of Standard Reference Materials Issued by the National Bureau of Standards." MP 260 describes the Bureau's standard reference materials and lists the fees charged for those materials.

Subpart A—General Information

Sec.
230.1 Introduction.
230.2 Identification of standards.
230.3 New standards.

Subpart B—Purchase Procedure

230.4 Ordering.
230.5 Terms and shipping.
230.6 Standards out of stock.

Subpart C—Description of Services and List of Fees

230.7 Description of services and list of fees, incorporation by reference.

AUTHORITY: The provisions of this Part 230 issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets and applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.

Subpart A—General Information

§ 230.1 Introduction.

This part states the procedure for ordering standard reference materials issued by the National Bureau of Standards to calibrate a measurement system, or to produce scientific data that can be referred to a common base. NBS Miscellaneous Publication 260, "Standard Reference Materials: Catalog and Price List of Standard Reference Materials Issued by the National Bureau of Standards" describes the standard reference materials and lists the fees charged for those materials.

§ 230.2 Identification of standards.

The standards are listed by groups; the numbers represent the issuance of the first representative sample of each kind. Renewals are indicated by the original number with an added letter to denote the relation. Thus, 11a is the first, 11b the second, 11c is the third renewal of No. 11 Basic Open-Hearth Steel, 0.2 percent carbon. In this way, a particular number always represents a material of fixed or approximately fixed composition.

§ 230.3 New standards.

When new standard reference materials or renewals of old ones are issued, announcement will be made in MP 260 and in scientific and trade journals.

Subpart B—Purchase Procedure

§ 230.4 Ordering.

Orders should be addressed to the Office of Standard Reference Materials, National Bureau of Standards, Washington, D.C. 20234, and should give the amount, number, and name of the standards requested. For example: 150 grams of No. 11g Basic Open-Hearth Steel, 0.2 percent C. The list of standard materials, their numbers, prices, and composition or intended use are given in MP 260. These materials are distributed only in the units listed.

§ 230.5 Terms and shipping.

(a) *Domestic shipments.* Shipments of material (other than hydrocarbons, organic sulfur compounds and radioactive standards) intended for the United States, Mexico, and Canada are normally shipped prepaid parcel post (providing that the parcel does not exceed the weight limits as prescribed by postal laws and regulations) unless the purchaser requests a different mode of shipment, in which case the shipment will be sent collect. It is impractical for the Bureau to prepay shipping charges and add this cost to the billing invoice. Hydrocarbons, organic sulfur compounds, rubber compounding materials, viscometer calibrating oils, and radioactive standards are shipped express collect. No discounts are given to NBS Standard Reference Materials.

(b) *Foreign shipments.* Small shipments will be forwarded as a U.S. Government shipment via International Parcel Post, providing that the parcel does not exceed the weight limits as prescribed by postal laws and regulations to foreign countries. Shipments exceeding the parcel post weight limit must be handled through an agent (shipping or brokerage firm) located in the United States as designated by the purchaser. Parcels will be packed for overseas shipment and forwarded via express collect to the U.S. firm designated as agent.

(c) *Payment for domestic orders.* Invoices for standard reference materials to be used within the United States of America are mailed when shipment is made. Remittances, made payable to the National Bureau of Standards, are required within thirty (30) days of shipment. Prepaid orders are accepted at the prices current on the date of receipt of the order.

(d) *Payment for foreign orders.* Remittances in payment of foreign orders must be made payable to the National Bureau of Standards, and are required in advance. These remittances are payable in dollars. Prices for the materials are those current at the date of receipt of the order.

§ 230.6 Standards out of stock.

The preparation of "renewals" is intended to be completed at the time each kind of material becomes exhausted, but owing to delays encountered in obtaining a proper grade of material, and for other reasons, this is not always possible. If orders are received for standard reference materials that are out of stock, notice will be mailed to that effect. The composition of a "renewal" will not usually be identical with that of its predecessor, but it will be quite similar, especially with regard to the characteristic constituent or constituents.

Subpart C—Description of Services and List of Fees

§ 230.7 Description of services and list of fees, incorporation by reference.

(a) The text of the current edition of NBS Miscellaneous Publication 260, "Standard Reference Materials: Catalog and Price List of Standard Reference Materials Issued by the National Bureau of Standards" is hereby incorporated by reference pursuant to 5 U.S.C. 552(a)(1) and 1 CFR Part 20. MP 260 states the authority under which the National Bureau of Standards offers standard reference materials, describes the standard reference materials which are available, states the procedure for ordering the materials, and lists the fees charged for the materials.

(b) MP 260 is available at the following places:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.
Office of Technical Information and Publications, National Bureau of Standards, Washington, D.C. 20234.
Field Offices of the Office of Field Services, Department of Commerce.

(c) Revisions, amendments, revocations, deletions, recodifications, redesignations, and corrections will be issued from time to time by the National Bureau of Standards, Washington, D.C. 20234, in the form of replacement pages or insert sheets, and an official historic file will be maintained by the National Bureau of Standards. A form, included in MP 260, is provided for requesting replacement pages or insert sheets.

Effective date. This revision of Subchapter B is effective upon publication in the FEDERAL REGISTER.

A. V. ASTIN,
Director.

DECEMBER 19, 1967.

NOTE: Incorporation by reference provisions in § 230.7 approved by Director of the Federal Register on Dec. 28, 1967.

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